<table>
<thead>
<tr>
<th>Description of document:</th>
<th>Department of Education records re implementation of new FOIA law enacted December 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requested date:</td>
<td>2008</td>
</tr>
<tr>
<td>Released date:</td>
<td>2008</td>
</tr>
<tr>
<td>Posted date:</td>
<td>01-March-2010</td>
</tr>
<tr>
<td>Date/date range of documents:</td>
<td>December 2005 – December 2008</td>
</tr>
<tr>
<td>Source of documents:</td>
<td>U.S. Department of Education</td>
</tr>
<tr>
<td></td>
<td>Office of Management</td>
</tr>
<tr>
<td></td>
<td>Regulatory Information Management Services</td>
</tr>
<tr>
<td></td>
<td>400 Maryland Avenue, SW, LBJ 2W220</td>
</tr>
<tr>
<td></td>
<td>Washington, DC 20202-4536</td>
</tr>
<tr>
<td></td>
<td>ATTN: FOIA Public Liaison</td>
</tr>
<tr>
<td></td>
<td>[Online FOIA Form][1]</td>
</tr>
</tbody>
</table>

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[1] Online FOIA Form

-- Web site design  Copyright 2007 governmentattic.org --
Good afternoon - for what it's worth, I'm providing some background on how I came up with the draft projections that I provided this morning. I figured there might be a "where did he come up with that?" question after I shared the draft.

The first page of the attachment is what you received this morning.

The second page is an explanation/rationale I used for the FY2008 numbers I provided for your consideration.

The third page shows the receiving, processing, and pending trends for all years since 2003. It also shows that by applying the (b)(2),(b)(5)

Enjoy! - Tony

-----Original Message-----
From: Kendrick, Tony (Contractor)
Sent: Thursday, October 04, 2007 8:50 AM
To: Eiden, Lee
Cc: Arrington, Angela; Barber, Delores J. (OM); Shaver, Jill; Carter, Jennifer (Contractor); Bingham, James C. (Contractor)
Subject: DRAFT [Backlog Reduction Goals for FY 08, FY 09, and FY 10

Lee, good morning. As requested, attached is a draft response to the DOJ request for our backlog projections through 2010.

Historically, our FOIA team has demonstrated they are as productive as they can be in processing initial requests (and how many appeals are processed).

The backlog of initial requests is expected to increase because we consistently receive more requests than we can process.

The backlog of appeals is expected to decrease because the processing output is greater than the number of appeals received and initial releases and determinations are projected to be better prepared and justified.

This draft proposes (b)(2),(b)(5)

Again, a first draft. I'll be pleased to make any adjustments. Thanks! - Tony
Tony,
Could you prepare our draft response to this requirement from DOJ? Perhaps Angela received it and forwarded it to you under separate email transmission; however, I would rather duplicate this effort than not. It would be best if we had a draft by October 12.
Thanks.
Lee

Leo Eiden
Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623

-----Original Message-----
From: DOJ OIP FOIA [mailto:List.Names@usdoj.gov]
Sent: Friday, September 07, 2007 10:51 AM
To: Barnes, Janet L.; Bartholow, Steven; Bertina Adams; Black, Andrew; Blakely, Edward; Booker, Carol; Bryant, Wil; Buffon, Kathleen; Callear, James; Challaraj, Rajkumar; Clark, Michell; Conley, Michael; Crawley, Thomas; Crumpacker, Jill; Danker, Deborah; DeFrancis, Suzy; Donley, Michael; Donovan, Eileen; Duncan, Thomasenia; Fedor, Samuel; Fernandez, Alexander; Flahavan, Richard; Ford, Delorice; Fortuno, Victor; Fried, Maria; Garfinkel, Mark; Grosner, Brian; Hackett, John; Hall, Martin; Hardy, David; Hertz, Philip; Hill, Beverly; Howell, Michael; Johnson, Jennifer L.; Johnson, Mary; Jordan, Josina; Judit, Edward; Kaye, Janice; Kearney, Barry; Keats, Craig; Kelsey, Sara A.; Killette, Delores; Knapp, Lindy; Kolb, Ingrid; Laponsky, Mark; Layton, J. McLane; Mantini, John; Mason, Eileen; Mastroianni, Peggy; msbp@msbp.gov; McCarthy, Peter B.; McDonnell, Erin; McKenna, Michael; Monroe, Emma; Mould, David; Nelson, Keith; Nichols, Dorothy; Nieves, Joelyn; Oliveri, Medaris; Patrick, James; Powell, D. Mathew; Propper, Susan; Reynolds, Emily; Reynolds, Kate; Roberts, Bentley; Roberts, Keith; Ruiz, Diego; Rutherford, Boyd K.; Sandros, Tanya M.; Scherer, Robert; Schiffer, Lois; Shapiro, Robert; Shonka, David; Silber, Jacqueline; Smythe, Austin; Sokul, Stanley; Sorbera, Joe; Stern, Gary; Stevenson, Todd; Suro-Bredie, Carmen; Tarasiuk, Aldolfo; Teufel, Hugo; Travers, Linda; Trinity, Frank; Valandra, Joseph; VanBrakle, Bryant; Wallace, Sally; Warner, Christopher; Watson, Carole; Weiss, Nancy; Wellman, Tricia; Williams, Steven; Wilson, Leon; Wolff, Otto; Zak, Leocadia; Armstrong, Andrea (ENRD); Banerjee, Carmen; Baude, Gary; Beaty, Dorothy; Bordley, Ed (USMS); Day, Kathy; Espenoz, Cecelia (EOIR); Farris, Bette; Graham, Averill P.; Henderson, George; Hermilla, Nelson (CRT); Hubbert, David A. (TAX); Hunt, Wanda; Hunter, Anissa H. (USPC); Kovakas, Jim (CIV); Lapara, Joan M; Lee, Dorothy A.; Lock, Judith H; McCain, Kaletus L; McElroy, Brenda (OPA); McIntyre, Thomas; Myrick, Katherine L; NDIC Helpdesk; Sessions, Gay La; Shields, Marnie; Slates, Sue Ann; Spells, Jean (PRAO); Stewart, Garry (USAEO); Wahowiac, Marlene; Waller, Deborah M. (OIG); Arrington, Angela; Ball, Katherine; Bartlett, Michael J.; Bridge, Diane L.; Broderick, Marilyn; Brown, Vanessa S.; Cramer, Jodi; Dang, Allan; Eaton, Bette S.; Adams Jr, Albert D.; Alphn, Cathy; An, Gil Huiyan; Apol, David; Babcock, Lisa; Batie, Patricia; Bender, Stuart; Berumen, Malia; Bolog, Edward A.; Boyd, Harriette; Brockner-Kyan, Beth; Buck, John; Carey, Priscilla; Carter, Mildred; Carter, Rodney L.; Castelli, Laurence; Castelli, Michael; Cerveny, John; Christopher, Nancy; Coe, A. Renee; Cornell, Susan R.; Costello, Dan; Cragg, Scott; Crago, Erica; Crenshaw-Davis, Gladys; Crowley, Gerald; Diaz-Ortiz, Martha; Dolan, Brenda; Dorsey, Betty B.; Duncan, Hilario R.; Eckert, Robert; Ehrlich, Carol; Femi, Judy; Fina, Joan; Finnegan,
From: Kendrick, Tony (Contractor)
Sent: Thursday, October 04, 2007 8:50 AM
To: Eiden, Lee
Cc: Arrington, Angela; Barber, Delores J. (OM); Shaver, Jill; Carter, Jennifer (Contractor); Bingham, James C. (Contractor)
Subject: DRAFT [Backlog Reduction Goals for FY 08, FY 09, and FY 10]

Lee, good morning. As requested, attached is a draft response to the DOJ request for our backlog projections through 2010.

Historically, our FOIA team has demonstrated they are as productive as they can be in processing initial requests (and how many appeals are processed).

The backlog of initial requests is expected to increase because we consistently receive more requests than we can process.

The backlog of appeals is expected to decrease because the processing output is greater than the number of appeals received and initial releases and determinations are projected to be better prepared and justified.

Attached is the Department of Justice guidance your agency should follow in preparing its Backlog Reduction Goals for Fiscal Years 2008, 2009, and 2010, in accordance with Executive Order 13,392. Please note that these goals are to be submitted in draft to the Department of Justice by October 19, and once final, they must be posted on your agency web site by November 1st.

<<November1.Guidance.pdf>>
This draft proposes that we may reduce the projected number of incoming requests through (1) a more active effort to put documents into the web reading room ahead of expected requests and (2) to explore options on increasing the number of individuals authorized to make release determinations. I see no other way of dealing with the number of incoming requests (a factor we cannot control).

I don't know if DOJ is expecting an unrealistic projection showing a decrease in the end of year backlog ("blood out of a turnip" expectation). Maybe we want to add a column of "FOIA Staff" next to the number of requests projected to be processed - it might visually make the connection that keeping the same staff level of course means keeping output stable as well. They can always take that column out - but we'll have made our point and they might consider that that is a valuable column and may make an additional request for everyone to include that column.

Again, a first draft. I'll be pleased to make any adjustments. Thanks! - Tony

-----Original Message-----
From: Eiden, Lee
Sent: Wednesday, September 19, 2007 4:40PM
To: Kendrick, Tony (Contractor)
Cc: Arrington, Angela; Barber, Delores J. (OM); Bingham, James C. (Contractor)
Subject: FW: Executive Order 13,392 "Improving Agency Disclosure of Information" [Backlog Reduction Goals for FY 08, FY 09, and FY 10]
Importance: High

Tony,

Could you prepare our draft response to this requirement from DOJ? Perhaps Angela received it and forwarded it to you under separate email transmission; however, I would rather duplicate this effort than not. It would be best if we had a draft by October 12.

Thanks.

Lee

Leo Eiden
Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623

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Sent: Friday, September 07, 2007 10:51 AM
To: Barnes, Janet L.; Bartholow, Steven; Bertina Adams; Black, Andrew; Blakely, Edward; Booker, Carol; Bryant, Wil; Buffon, Kathleen; Callear, James; Chellaraj, Rajkumar; Clark, Michel; Conley, Michael; Crawley, Thomas; Crumpacker, Jill; Danker, Deborah; DeFrancis, Suzy; Donley, Michael; Donovan, Eileen; Duncan, Thomasia; Feder, Samuel; Fernandez, Alexander; Flahavan, Richard; Ford, Delorice; Fortuno, Victor; Fried, Maria; Garfinkel, Mark; Grosner, Brian; Hackett, John; Hall, Martin; Hardy, David; Hertz, Philip; Hill, Beverly; Howell, Michael; Johnson, Jennifer L.; Johnson, Mary; Jordan, Mosina; Jurith, Edward; Kaye, Janice; Kearney, Barry; Keats, Craig; Kelsey, Sara A.; Killette, Delores; Knapp, Lindy; Kolb, Ingrid; Laponsky, Mark; Layton, J. McLane; Mantini, John; Mason, Eileen; Mastroianni, Peggy; nspb@nspb.gov; McCarthy, Peter B.; McDonnell, Erin; McKenna, Michael; Monroig, Emma; Mould, David; Nelson, Keith; Nichols, Dorothy; Nieva, Jocelyn; Oliveri, Medaris; Patrick, James; Powell, D. Matthew; Propper, Susan; Reynolds, Emily; Reynolds, Kate; Roberts, Bentley; Roberts, Keith; Ruiz, Diego; Rutherford, Boyd K.; Sandros, Tanya M.; Scherer, Robert; Schiffer, Lois; Shapiro, Robert; Shonka, David; Silber, Jacqueline; Smythe, Austin; Sokul, Stanley; Sorbera, Joe; Stern, Gary; Stevenson, Todd; Suro-Bredie, Carmen; Tarasiuk, Aldolfx; Teufel, Hugo; Travers, Linda; Trinity, Frank; Valandra, Joseph; VanBrakle, Bryant; Wallace, Sally; Warner, Christopher;
Attached is the Department of Justice guidance your agency should follow in preparing its Backlog Reduction Goals for Fiscal Years 2008, 2009, and 2010, in accordance with Executive Order 13,392. Please note that these goals are to be submitted in draft to the Department of Justice by October 19, and once final, they must be posted on your agency web site by November 1st.
The FOIA resources of the Department of Education have resulted in a consistent production rate between 1100 and 1250 cases per year. The conversion to the electronic processing program in Fiscal Year 2007 has brought the productivity level past 1300. Historically, the number of requests handled per month is between 10 and 20 percent more than the productivity level. FOIA resources are not expected to increase and the turnover of FOIA staff may degrade the knowledge and experience base of the processing staff. However, the productivity level of the dedicated and diligent processing staff is projected to remain relatively constant. Efforts to reduce the number of incoming requests will include (whenever possible) prompt posting, to the web-based electronic FOIA reading room, documents likely to generate FOIA requests, documents responsive to expected annual requests, and documents responsive to education issues receiving media coverage. In addition, the Department will explore options and strategies to delegate initial determination authority.

### Requests

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Pending Requests at Beginning of FY</th>
<th>Estimated Number of Requests Incoming During FY</th>
<th>Agency’s Goal for Number of Requests to be Processed During FY</th>
<th>Agency’s Goal for Number of Requests Pending Beyond Statutory Time Period (I.E., Backlog) at End of FY</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>673*</td>
<td></td>
<td>(b)(2),(b)(5)</td>
<td>821</td>
</tr>
<tr>
<td>2009</td>
<td>821</td>
<td>1506</td>
<td>1325</td>
<td>1002</td>
</tr>
<tr>
<td>2010</td>
<td>1002</td>
<td>1540</td>
<td>1320</td>
<td>1222</td>
</tr>
</tbody>
</table>

### Appeals

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Pending Requests at Beginning of FY</th>
<th>Estimated Number of Requests Incoming During FY</th>
<th>Agency’s Goal for Number of Requests to be Processed During FY</th>
<th>Agency’s Goal for Number of Requests Pending Beyond Statutory Time Period (I.E., Backlog) at End of FY</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>24*</td>
<td></td>
<td>(b)(2),(b)(5)</td>
<td>20</td>
</tr>
<tr>
<td>2009</td>
<td>20</td>
<td>35</td>
<td>44</td>
<td>7</td>
</tr>
<tr>
<td>2010</td>
<td>7</td>
<td>40</td>
<td>45</td>
<td>2</td>
</tr>
</tbody>
</table>

* This is a preliminary number (generated on October 1, 2007) of requests pending at the beginning of FY 2008 because it does not reflect those action offices that have not converted 100% to the department-wide electronic processing system. Data manually submitted will not be available, and processed, until the first week of January 2008.
Where did these FY 2008 projected numbers come from?

<table>
<thead>
<tr>
<th>673</th>
<th>The number of pending requests at the beginning of FY 2008.</th>
<th>Source: FOIAXpress</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b)(2), (b)(5)</td>
<td>Number of projected cases pending at the end of FY 2008.</td>
<td>It is projected that the end of year backlog will be 22% higher than the beginning backlog.</td>
</tr>
<tr>
<td>1452</td>
<td>The estimated number of incoming requests.</td>
<td>It is projected that the number of requests will increase by 10%.</td>
</tr>
<tr>
<td>1304</td>
<td>The estimated number of processed requests.</td>
<td>It is projected that the FOIA staff will be 14% more productive than they were in 2007.</td>
</tr>
</tbody>
</table>

**FY 2009 and FY 2010 Projections:**

The values are calculated based on a 22% backlog increase each year and an estimated minimal change in the processing rate projected for 2008. Given the starting backlog for 2008 (determined by FOIAXpress), a pure guess as to how many requests will be processed in 2008, and a 22% backlog increase - all the other values can be calculated.

Appeals are not as influenced by outside factors and, therefore, using the starting backlog for 2008 (determined by FOIAXpress) and using the incoming amount and the processing rate from 2007 data, all the values can be calculated. Only if Appeals projects a significant increase in the number of incoming requests would the numbers change.
Below are the (fiscal year) numbers and trends over the past 5 years to use as a reference to make adjustments to the preliminary draft provided:

### Number of Requests Received:

<table>
<thead>
<tr>
<th>Year</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1856</td>
<td>2232</td>
<td>2416</td>
<td>1858</td>
<td>1320</td>
<td>1936</td>
</tr>
</tbody>
</table>

### Average

<table>
<thead>
<tr>
<th>Year</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>20%↑</td>
<td>8%↑</td>
<td>23%↓</td>
<td>29%↓</td>
<td>24%↓</td>
<td></td>
</tr>
</tbody>
</table>

### Number of Requests Processed at the end of each fiscal year:

<table>
<thead>
<tr>
<th>Year</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1840</td>
<td>2082</td>
<td>2219</td>
<td>1904</td>
<td>1145</td>
<td>1838</td>
</tr>
</tbody>
</table>

### Average

<table>
<thead>
<tr>
<th>Year</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>13%↑</td>
<td>7%↑</td>
<td>14%↓</td>
<td>40%↓</td>
<td>34%↓</td>
<td></td>
</tr>
</tbody>
</table>

### Number of Requests Pending at the end of each fiscal year:

<table>
<thead>
<tr>
<th>Year</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>Average</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>198</td>
<td>348</td>
<td>585</td>
<td>539</td>
<td>673</td>
<td>469</td>
</tr>
</tbody>
</table>

### Average

<table>
<thead>
<tr>
<th>Year</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>75%↑</td>
<td>68%↑</td>
<td>8%↓</td>
<td>25%↑</td>
<td>40%↑</td>
<td></td>
</tr>
</tbody>
</table>

Based on the averages over the past 5 years, the projections would look like:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Pending Requests at Beginning of FY</th>
<th>Estimated Number of Requests Incoming During FY</th>
<th>Agency's Goal for Number of Requests to be Processed During FY</th>
<th>Agency's Goal for Number of Requests Pending Beyond Statutory Time Period (I.E., Backlog) at End of FY.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>1188</td>
<td>1120</td>
<td>1145</td>
<td>673</td>
</tr>
<tr>
<td>2008</td>
<td>673*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>(b)(2),(b)(5)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>(b)(2),(b)(5)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Lee, good afternoon. Attached is the memo you sent out for review. I have adjusted the language regarding meeting all goals except one of the “10 oldest” interim goals.

It should be ready to be put on letterhead. I'll assist James in any way I can. - Tony

-----Original Message-----
From: Eiden, Lee
Sent: Wednesday, July 18, 2007 11:10 AM
To: Kendrick, Tony (Contractor)
Subject: RE: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Tony,
Thanks -- good point. If past is prologue then Mr. Hendricks will likely call me and I could posit that change at that time.

Lee

-----Original Message-----
From: Kendrick, Tony (Contractor)
Sent: Wednesday, July 18, 2007 11:08 AM
To: Eiden, Lee
Subject: RE: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Lee, great memo!

I made one change that didn’t make it to the version you worked from. Perhaps it is spin - but instead of:

"the Department of Education did not meet one interim goal related to reducing the FOIA backlog."

You might consider revising as: "the Department of Education met all interim goals related to reducing the FOIA backlog, except one related to the 10 Oldest requests."

Don’t want anyone to misread the sentence and conclude that we missed an entire goal. And the revision completely removes the phrase “did not meet,” which might be something that sticks in their mind. "Met all“ is the preferred retained idea!

Rephrasing doesn’t really change the substance of the memo and, therefore, I don’t think Hendricks needs to get another version. But I do recommend that the memo that leaves the Department might want to incorporate the suggested revision.

Just a thought. - Tony

-----Original Message-----
From: Eiden, Lee
Sent: Wednesday, July 18, 2007 10:46 AM
To: kenneth.a.hendricks@USDOJ.gov
Cc: thomas.e.hitter@USDOJ.gov; Clark, Michell; Butler, Donna; Arington, Angela
Subject: FW: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)
Importance: High

Dear Mr. Hitter,
Please find the attached draft "Updated Status Report" by the U.S. Department of Education (ED) regarding the progress made in addressing our deficit interim milestone. We are prepared to transmit this report in final to the President's Management Council on August 1, should there be no problems with our draft.

Should you have any questions, please contact me or Angela Arrington, FOIA Public Liaison (202-245-6409 / angela.arrington@ed.gov).

Sincerely,

Lee Eiden

-----Original Message-----
From: List Names [mailto:List.Names@usdoj.gov]
Sent: Thursday, June 28,2007 1:14 PM
Subject: Guidance on Executive Order 13,392

To: Principal FOIA Contacts and FOIA Public Liaisons

Attached please find Department of Justice guidance for submitting Updated Status Reports pursuant to Executive Order 13,392, "Improving Agency Disclosure of Information." These reports must be submitted in draft to the Department of Justice by July 18, 2007. After review by the Department of Justice, they must be submitted in final form to the Chair of the President's Management Council by August 1, 2007.

Please feel free to contact Kenneth A. Hendricks, or Thomas E. Hitter at the Office of Information and Privacy, Department of Justice at 202-514-3642 with any questions you may have.

<<DOJ 8-1-07 Guidance.June 28.doc>>
MESSAGE TO THE PRESIDENT'S MANAGEMENT COUNCIL:

The U.S. Department of Education (ED) is pleased to present this status report to the President's Management Council on "Improving Agency Disclosure of Information." This is in response to the Executive Order 13,392 mandate for actions to address the issue of ensuring a well-informed citizenry through an effective and citizen-centered Freedom of Information Act (FOIA) program.

Our team of FOIA Public Liaisons, FOIA Service Center support staff, and FOIA coordinators demonstrate top-level commitment to excellent performance. Since first reporting on the status of the Department of Education's FOIA program and FOIA Improvement Plan in February of this year, additional goals and milestones have been exceeded or met.

As reported in the Department's Fiscal Year 2006 FOIA Annual Report and presented in the Attorney General's Report to the President of June of this year, the Department of Education met all interim goals related to reducing the FOIA backlog, except one related to the 10-Oldest requests. The following is our "Updated Status Report" regarding this single interim goal:

(b)(2),(b)(5)

If you have additional questions or comments, please contact Lee Eiden, Director of Regulatory Information Management Services (202-245-6454 / lee.eiden@ed.gov), or Angela Arrington, FOIA Public Liaison (202-245-6409 / angela.arrington@ed.gov), or myself.
From: Eiden, Lee  
Sent: Friday, July 27, 2007 2:05 PM  
To: Hyler, James; Kendrick, Tony (Contractor)  
Subject: FW: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Importance: High

Tony,
You are spot on. Thanks.

James,
Will you please have this prepared as a letter response from the Assistant Secretary to "Clay Johnson, III, Chair of the President's Management Council" on Assistant Secretary letterhead. Check the initial instructions for the specifics. I will send. Perhaps Kim can help you out on this.

Lee

Leo Eiden  
Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

-----Original Message-----  
From: Kendrick, Tony (Contractor)  
Sent: Friday, July 27, 2007 12:58 PM  
To: Eiden, Lee  
Cc: Hyler, James  
Subject: RE: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Lee, good afternoon. Attached is the memo you sent out for review. I have adjusted the language regarding meeting all goals except one of the "10 oldest" interim goals.

It should be ready to be put on letterhead. I'll assist James in any way I can. - Tony

-----Original Message-----  
From: Eiden, Lee  
Sent: Wednesday, July 18, 2007 11:10 AM  
To: Kendrick, Tony (Contractor)  
Subject: RE: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

Tony,  
Thanks -- good point. If past is prologue then Mr. Hendricks will likely call me and I could posit that change at that time.  

Lee

-----Original Message-----  
From: Kendrick, Tony (Contractor)  
Sent: Wednesday, July 18, 2007 11:08 AM  
To: Eiden, Lee
Lee, great memo!

(b)(2) (b)(5)

I made one change that didn't make it to the version you worked from. Perhaps it is spin - but instead of:

"the Department of Education did not meet one interim goal related to reducing the FOIA backlog."

You might consider revising as: "the Department of Education met all interim goals related to reducing the FOIA backlog, except one related to the 10 Oldest requests."

Don't want anyone to misread the sentence and conclude that we missed an entire goal. And the revision completely removes the phrase "did not meet," which might be something that sticks in their mind. "Met all" is the preferred retained idea!

Rephrasing doesn't really change the substance of the memo and, therefore, I don't think Hendricks needs to get another version. But I do recommend that the memo that leaves the Department might want to incorporate the suggested revision.

Just a thought. - Tony

-----Original Message-----
From: Eiden, Lee
Sent: Wednesday, July 18, 2007 10:46 AM
To: 'kenneth.a.hendricks@usdoj.gov'
Cc: 'thomas.e.hitter@usdoj.gov'; Clark, Michell; Butler, Donna; Arrington, Angela
Subject: FW: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)
Importance: High

Dear Mr. Hitter,

Please find the attached draft "Updated Status Report" by the U.S. Department of Education (ED) regarding the progress made in addressing our deficit interim milestone. We are prepared to transmit this report in final to the President's Management Council on August 1, should there be no problems with our draft.

Should you have any questions, please contact me or Angela Arrington, FOIA Public Liaison (202-245-6409 / angela.arrington@ed.gov).

Sincerely,

Lee Eiden

Lee Eiden
Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
From: Eiden, Lee  
Sent: Wednesday, July 18, 2007 11:10 AM  
To: Kendrick, Tony (Contractor)  
Subject: RE: ED Updated FOIA Status Report, July 2007 (Executive Order 13,392)

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Director  
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Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

-----Original Message-----
From: List Names [mailto:List.Names@usdoj.gov]
Sent: Thursday, June 28, 2007 1:14 PM
Subject: Guidance on Executive Order 13,392

To: Principal FOIA Contacts and FOIA Public Liaisons

Attached please find Department of Justice guidance for submitting Updated Status Reports pursuant to Executive Order 13,392, "Improving Agency Disclosure of Information." These reports must be submitted in draft to the Department of Justice by July 18, 2007. After review by the Department of Justice, they must be submitted in final form to the Chair of the President's Management Council by August 1, 2007.

Please feel free to contact Kenneth A. Hendricks, or Thomas E. Hitter at the Office of Information and Privacy, Department of Justice at 202-514-3642 with any questions you may have.

<<DOJ 8-1-07 Guidance.June 28.doc>>
Lee, great memo!

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Office of Management
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<<DOJ 8-1-07 Guidance June 28.doc>>
From: Arrington, Angela  
Sent: Thursday, June 28, 2007 2:31 PM  
To: Carter, Jennifer (Contractor); Kendrick, Tony (Contractor)  
Cc: Bingham, James C. (Contractor)  
Subject: FW: Guidance on Executive Order 13,392  
Importance: High

Jennifer/Tony,

Please see email below from Lee. We need a draft response by Friday, July 13.

Thank you.

Angela

Angela Arrington  
Department Of Education - OM  
550 12th St. SW - Room 9156  
Washington, DC 20004  
work (202) 245-6409

-----Original Message-----
From: Eiden, Lee  
Sent: Thursday, June 28, 2007 2:18 PM  
To: Arrington, Angela  
Cc: Clark, Michell; Butler, Donna  
Subject: FW: Guidance on Executive Order 13,392  
Importance: High

Angela,

I just received the following email and guidance document. I am not sure who else this may have been sent to in the Department.

The report instructions are rather straightforward and the guidance is very similar to earlier information.

This is a short deadline to ensure that ED responds to DOJ by July 18. Can you please have our FOIA contract staff prepare the draft response by Friday, July 13. This will permit us enough time for review by ASM and OGC to ensure that we meet the deadline. Thanks.

Lee

Lee Eiden  
Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623

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Sincerely,

Lee Eiden

Lee Eiden
Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
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<<DOJ 8-1-07 Guidance.June 28.doc>>
MESSAGE TO THE PRESIDENT'S MANAGEMENT COUNCIL:

The U.S. Department of Education (ED) is pleased to present this status report to the President’s Management Council on “Improving Agency Disclosure of Information.” This is in response to the Executive Order 13,392 mandate for actions to address the issue of ensuring a well-informed citizenry through an effective and citizen-centered Freedom of Information Act (FOIA) program.

Our team of FOIA Public Liaisons, FOIA Service Center support staff, and FOIA coordinators demonstrate top-level commitment to excellent performance. Since first reporting on the status of the Department of Education’s FOIA program and FOIA Improvement Plan in February of this year, additional goals and milestones have been exceeded or met.

(b)(2),(b)(5)

If you have additional questions or comments, please contact Lee Eiden, Director of Regulatory Information Management Services (202-245-6454 / lee.eiden@ed.gov), or Angela Arrington, FOIA Public Liaison (202-245-6409 / angela.arrington@ed.gov), or myself.
From: Eiden, Lee  
Sent: Thursday, February 01, 2007 3:25 PM  
To: Mayes, Edgar; Monroe, Tanya; Long, Brenda; Cook, Elise; Sweet, Crystal; Lucier, Mary Grace; Derka, Lilian; Kipp, Laura; Swann, Patrice; Edwards, Paul; Knight, Pat; Douglas-Scott, Terri.L.; Kalnasy, Debbie; Winston, Kelly; Briscoe, Stephanie; Atkinson, Jack; Pettaway, LaShawn; Walton, Lavinia; Vest, Bette; Adams, Carolyn; Eason, Chaun; Toye, Theresa; Ford, Mary; Pinder, Lavern; Long, Brenda; Bugg, Linda; Hillary, Rosetta  
Cc: ED Executive Officers; Eitel, Robert S.; Goodridge, Marcella; Goodman, Jennifer; Anderson, Scott; Butler, Donna; Clark, Michell; OM-RIMS  
Subject: ED Electronic FOIA Reading Room (New Section: "Recently Added Documents")

In an effort to more proactively disclose documents and thereby reduce potential FOIA requests, Regulatory Information Management Services (OM/RIMS) has established a new section within the Department's electronic FOIA Reading Room entitled “Recently Added Documents.” The link is now live and located at:


On December 14, 2005, the President issued Executive Order 13392, "Improving Agency Disclosure of Information." In the Order, the President directed each agency to conduct a review of its FOIA operations and prepare a plan for improving them. The Department submitted such a "FOIA Improvement Plan" to the Attorney General and the OMB Director (see ED's FOIA Plan at: http://www.ed.gov/policy/gen/leg/foia/grants/edfoiaplan.pdf).

The ten (10) documents posted in this new section of the ED Electronic FOIA Reading Room demonstrate our agency's progress in this effort. Some of the posted documents reflect ED's commitment to "Proactive Disclosure." The intent of these postings reduce the need for the public to make a formal FOIA request, since the FOIA released version of the document is available in the e-FOIA Reading Room. Other documents have been added to the e-FOIA Reading Room because they were identified as documents meeting the information interest of the public and the Department. As indicated in the FOIA Improvement Plan for "Affirmative Disclosure," posting documents that are likely to generate FOIA requests are also intended to reduce the need for the public to submit a FOIA request.

All of the posted documents were previously released. It is important to note that under the "Affirmative" and "Proactive Disclosure" sections of the "FOIA Improvement Plan," documents expected to generate FOIA requests, but not yet requested under the FOIA, can also be posted to the Electronic Reading Room in a FOIA-redacted format. Principal Offices, through their FOIA Coordinators, are encouraged to send an e-mail to EDFOIAManager@ed.gov (mailto:EDFOIAManager@ed.gov) identifying additional documents for posting.

OM/RIMS is pleased to work with you in this proactive effort.

Lee Eiden  
Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623
Jennifer, here is a draft agenda. Might be too much for one meeting. Then again, maybe it should be a 2-hour meeting. Feel free to edit as you see fit. [redacted] - Tony

1. Review October Monthly Report

2. Review FOIA Improvement Plan progress
(b)(2),(b)(5)

3. Identify "routine request" documents and consider getting sample documents loaded into FOIA reading room on the web
(b)(2),(b)(5)

4. Nonresponsive

5. Nonresponsive

6. Generate agenda for Quarterly Meeting
(b)(2),(b)(5)

7. Generate agenda for Semi-Annual Meeting
Angela,

I am attaching a revised version of slides summarizing the FOIA Improvement Plan, that Tony had completed last week, for the purpose of presenting at the FOIA Coordinators meeting. I apologize if this revision did not get to you to review. It is somewhat more condensed than the earlier version, and is tuned to the FOIA Coordinators audience specifically. If you have time to review today, for final OK, that would be great. I will talk to you about it first.

-- Jim

-----Original Message-----
From: Arrington, Angela
Sent: Tuesday, October 24, 2006 2:56 PM
To: Bingham, James C. (Contractor)
Subject: FW: The Improvement Plan slides in PDF

This version of the Improvement plan should be used for the handouts. I believe this is the latest version. Please verify with Tony.

Angela Arrington
Department Of Education - OM
550 12th St. SW - Room 9156
Washington, DC 20004
work (202) 245-6409
U.S. Department of Education

FOIA Improvement Plan

IMPLEMENTATION PLAN HIGHLIGHTS

for the
Information Management Customer Service Team (IMCST) and the
Information Policy and Standards Team (IPAST)
Improvement Plan Overview

- Directives to involve FOIA in record development and pre-release review.
- Revised ED FOIA Regulations
- FOIA Guidelines for multi-track, backlog reduction, and proactive disclosure actions
- Website updates and increased number of record postings.
- FOIA electronic processing training and emphasis areas
Improvement Plan

IMPROVEMENT AREAS

■ I: Affirmative Disclosure
■ II: Proactive Disclosure
■ III: FOIA Website
■ IV: Electronic FOIA
■ V: Multi-Track Processing
■ VI: Backlog Reduction / Elimination
■ VII: Field & Program Office Recommendations
■ VIII: FOIA Training & Guidance
I. Affirmative Disclosure

- Affirmative disclosure under subsection 3(b)(ii) of Executive Order 13392

- **Goal:** Serve the interests of the public for information about ED operations and programs through proactive access to FOIA cleared documents likely to generate additional FOIA requests.
I: Affirmative Disclosure Improvement

By November 30, 2006, DRAFT a management directive indicating at what point in document development the ED FOIA Staff will be consulted for the purpose of modifying the document to avoid the need for the application of FOIA exemptions or that will minimize the need for, and time required to apply, FOIA exemptions.

Example: Before a new form or document format is approved for use, it will receive a FOIA review so that potential FOIA exemption material can be located to one section of a document or form. The user can then easily determine what information could be released to the public and what information is likely to be withheld.
I: Affirmative Disclosure Improvement

By December 29, 2006, DRAFT a management directive that will require a FOIA-releasable document be prepared for release concurrent with an announcement or public release of information related to a Department document.

Example: A press release about the award of a grant or contract would be issued when the grantee application is pre-cleared by FOIA for release, not before. [Grants awarded that are not announced with a press release would not be FOIA processed until a FOIA request is received.]

Example: Draft testimony will be reviewed by FOIA to identify any documents referenced in the testimony and have those documents pre-cleared by FOIA for release at the time the testimony is given.
I: Affirmative Disclosure Improvement

- By March 30, 2007, implement a training module(s) for using the FOIA electronic processing program to determine what information has already been released (via the FOIA) to respond to incoming FOIA requests or general requests for information about documents of the agency.

  Example: The FOIA processing program will automatically search for documents that have been released similar to the document description entered for new requests. To search effectively, document descriptions must describe the document clearly using standard descriptive entries – the requester search parameters or format delivery are not part of a document description.
II: Proactive Disclosure

- Proactive disclosure of records.

- **Goal:** Make records available to the public on own initiative so that there is less likelihood that records will become the subjects of FOIA requests filed by persons who are interested in obtaining such records.
II: Proactive Disclosure Improvement

By June 29, 2007, in collaboration with ED Office of the Chief Financial Officer, Office of the Chief Information Officer, Office of Communications and Outreach, and the Office of General Counsel a Directive outlining a process and responsibilities to identify types of grant and contract awards that are likely to generate public interest and FOIA requests, obtain a final copy in advance of award, redact that copy, and have the redacted copies posted in the E-FOIA Reading Room coincident with any announcement.
II: Proactive Disclosure Improvement

- By June 29, 2007, in collaboration with the Office of Communications and Outreach, identify record types that are likely to be of news media interest.
  
  - Prepare a FOIA-redacted version for concurrent release with any press, testimony, or operational announcement.
  
  - If documents referenced in public announcements are not releasable, assist public affairs with language or talking points that will explain the statutory justification for non-release of the documents.

- Example: Press releases referencing ED documents (reports, testimony, directives, contracts, awards, policy changes, etc.) are made concurrent with pre-redacted FOIA versions of the referenced documents. Most referenced documents in FOIA format will generally be made available in the ED FOIA Electronic Reading Room within 24 hours of the press announcement.
II: Proactive Disclosure Improvement

By March 30, 2007, DRAFT a FOIA processing guideline to identify and post releasable material in the E-FOIA Reading Room and notify all requesters, within 24 hours of posting, of the internet availability of the requested documents. Guidance will include:

- **RULE-of-THREE**: Upon receipt of the third request for the same issue related document, unless other considerations apply, post responsive documents in the electronic reading room.

- **RULE-of-NEWS**: Once an ED issue is subject to widespread commentary in the media, proactively post issue-related documents in the electronic reading room without waiting for one or more FOIA requests to be received.
III: FOIA Website Improvement

- Overall Website Improvement.

- **Goal:** Implement web enhancements as a result of a review of its current structure.
III: FOIA Website Improvement

By November 15, 2006, provide recommendations for improvement of the ED FOIA web pages. Include in the report outreach possibilities using the web, such as using the web for:

- customer feedback questionnaires,
- web-based FOIA status reports,
- electronic submission of FOIA requests, and
- recent FOIA news relevant to ED and requesters.
IV: Electronic FOIA

- Electronic FOIA -- Automated processing and security

- **Goal:** Improve the automation of FOIA submissions and tracking process by using the full functionality of the FOIA electronic processing program and implement the FOIA processing program beyond Headquarters FOIA/PA staff. Use specialized CDs to assure requesters they have received an original official FOIA release of Department.
IV: Electronic FOIA Improvement

- Use the capability within the FOIA electronic processing program to improve identifying where a request is within the FOIA processing lifecycle.

- Use the FOIA electronic processing program to increase delivery of secure format responses via email or the internet.
IV: Electronic FOIA Improvement

By December 31, 2007, complete the transition to using ED FOIA compact discs to provide documents electronically to requesters. This ensures that the documents contained on the CD are an official release by the ED FOIA program. Subsequent duplication, by requesters, of the original released CD would not be a sufficient basis for an appeal of a misapplication of an exemption or the failure to apply an exemption.

Example: Documents on a FOIA CD are assumed to be validation of an official FOIA release of the documents contained on the CD. Further validation is recording the CD hub number (of the ED FOIA CD or any CD used to provide official release ED documents) in the FOIA electronic processing program and citing the hub number in any release correspondence.
V: Multi-Track Processing

- Multi-Track Processing

- **Goal:** Establish and implement, for FY 2007, multi-tracks for processing FOIA/PA requests across the Department.
V: Multi-Track Processing Improvement

**Simple Track:** Requests that can be completed in 1 to 5 workdays from the date of receipt of the request. Simple requests are those for which there are no responsive records or responsive records are available from prior requests. Simple requests are usually focused and limited in scope.

**Routine Track:** Requests that can be completed within 20 workdays from the date of receipt of the request. Routine requests are those for which responsive records can be located and obtained quickly. Routine requests do not require extensive consultation with other entities to finalize a release determination and response. Routine requests are usually focused and limited in scope.
V: Multi-Track Processing Improvement

- **Complex Track:** Requests that require more than 20 workdays to process from the date of receipt. Complex requests are those that involve an extensive search, a lengthy review process because of the volume of records, and/or the need for numerous consultations. Complex requests are sometimes broadly focused and possibly historical in nature and, therefore, not limited in scope. Because complex requests exceed the statutory time limit for a response, the requester will be notified in writing that their request has been placed in the complex track, and they will be provided all other information as required by statute and regulations.

- **Expedited Track:** Requests that meet the statutory and regulatory requirements to be granted expedited processing and placed in this track (in lieu of being placed in the simple, routine, or complex track). This is not a new track, but is affected by the implementation of the three additional tracks described above.
VI: Backlog Reduction/Elimination

- Backlog Reduction/Elimination.

- **Goal:** Reduce, or eliminate, the backlog of pending requests (480 as of June 2, 2006) through a focused Backlog Reduction Effort, with special attention to eliminating the “10-Oldest” requests (as of October 1, 2006). The target goal is to have no requests pending for more than 90 days.
VI: Backlog Reduction/Elimination Improvement

**Monthly:** The ED FOIA Officer will identify the number of cases pending for more than 20 business days, as provided by statute, \(^{(b)(2),(b)(5)}\).

**Quarterly:** The ED FOIA Officer and the RIMS Director will review FOIA processor workload and pending backlog to determine whether to redistribute cases and resources, or augment resources.
VI: Backlog Reduction/Elimination Improvement

- Semi-Annually: Review, with the ED Chief FOIA Officer, the FOIA program and procedures to identify additional opportunities to further reduce backlog of requests \(^{b(2),(b)(5)}\).

- This review will include identification of additional resources (such as services, materials, and human resources) needed and begin a budget request justification document, if necessary.

- This review will include a review of significant FOIA cases or processing issues and identify solutions to processing barriers.
VI: Backlog Reduction/Elimination Improvement

- Implement a “10 Oldest” Backlog Reduction Effort.
  
  - By January 31, 2007, close the 10-oldest cases identified in October 2006.
  
  - By January 31, 2008, close the 10-oldest cases identified in October 2007.
VII: Improvement Ideas from Field and Program Office Staff

- Improvement ideas from field and program office staff.

- **Goal:** Implement FOIA processing software in Office for Civil Rights Regional Offices.
VII: Improvement Ideas from Field and Program Office Staff


- By May 30, 2007, implement the FOIA Electronic Processing Program in remaining ten OCR Regional Offices.
Training and Guidance.

Goal: Develop a strategic FOIA/PA awareness outreach training/guidance program for all ED employees.
By December 29, 2006, issue a Standard Operating Procedure (SOP) that will include repeatable FOIA processing and guidance.

Initiate quarterly training workshops for FOIA Coordinators.

Review Departmental FOIA/PA Directives annually, update as needed.

By December 31, 2008, develop and issue selection and process guidelines for FOIA processors, FOIA Coordinators, and FOIA collateral duty staff.

By June 29, 2007, publish the revised Department of Education FOIA Regulations in the Federal Register.
From: Arrington, Angela
Sent: Wednesday, September 20, 2006 9:36 AM
To: Kendrick, Tony (Contractor)
Subject: RE: As requested - the powerpoint and the deadlines documents.

Thanks.

Angela Arrington
Department Of Education - OM
550 12th St. SW - Room 9156
Washington, DC 20004
work (202) 245-6409
-----Original Message-----
From: Kendrick, Tony (Contractor)
Sent: Wednesday, September 20, 2006 9:35 AM
To: Arrington, Angela
Cc: Carter, Jennifer (Contractor)
Subject: As requested - the powerpoint and the deadlines documents.

Angela, good morning.

They have both been updated. (I just finished the Deadlines one and haven't had time for an in-depth review, but I'm pretty confident all the "leads" are correct.)

They're attached. Thanks! - Tony
FOIA Improvement Plan
August 18, 2006 (revised)
Implementation Plan
for the
Information Management Customer Service Team (IMCST)
and the
Information Policy and Standards Team (IPAST)
September 18, 2006
Improvement Plan Overview
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- Affirmative disclosure under subsection 3(b)(ii) of Executive Order 13392

- **Goal:** Serve the interests of the public for information about ED operations and programs through proactive access to FOIA cleared documents likely to generate FOIA requests.
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(b)(2), (b)(5)
I: Affirmative Disclosure Improvement

(b)(2), (b)(5)
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(b)(2),(b)(5)
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- **Goal:** Make records available to the public on own initiative so that there is less likelihood that records will become the subjects of FOIA requests filed by persons who are interested in obtaining such records.
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(b)(2),(b)(5)
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(b)(2),(b)(5)
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(b)(2), (b)(5)
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(b)(2),(b)(5)
II: Proactive Disclosure Improvement

(b)(2), (b)(5)
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(b)(2), (b)(5)
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- Overall Website Improvement.

- Goal: Implement web enhancements as a result of a review of its current structure.
III: FOIA Website Improvement

(b)(2), (b)(6)
III: FOIA Website Improvement

(b)(2)(b)(5)
III: FOIA Website Improvement

(b)(2), (b)(5)
III: FOIA Website Improvement

(b)(2),(b)(5)
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(b)(2), (b)(5)
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IV: Electronic FOIA Improvement

(b)(2),(b)(5)
IV: Electronic FOIA Improvement

(b)(2), (b)(5)
IV: Electronic FOIA Improvement

(b)(2), (b)(5)
V: Multi-Track Processing

- Multi-Track Processing

- **Goal:** Establish multi-tracks for processing FOIA/PA requests across the Department.
V: Multi-Track Processing Improvement

(b)(2),(b)(5)
V: Multi-Track Processing Improvement

(b)(2), (b)(5)
V: Multi-Track Processing Improvement

| (b)(2), (b)(5) |
V: Multi-Track Processing Improvement

(b)(2), (b)(5)
VI: Backlog Reduction/Elimination

- Backlog Reduction/Elimination.

- **Goal:** Reduce, or eliminate, the backlog of pending requests (480 as of June 2, 2006) through a focused Backlog Reduction Effort, with special attention to eliminating the “10-Oldest” requests (as of October 1, 2006).
VI: Backlog Reduction/Elimination Improvement
VI: Backlog Reduction/Elimination Improvement

(b)(2),(b)(5)
VI: Backlog Reduction/Elimination Improvement

(b)(2),(b)(5)
VII: Improvement Ideas from Field Office Personnel

- Improvement ideas from field office personnel.

- **Goal:** Implement FOIA processing software in the Office for Civil Rights Regional Offices.
VII: Improvement Ideas from Field Office Personnel

(b)(2),(b)(5)
VII: Improvement Ideas from Field Office Personnel

(b)(2), (b)(5)
VIII: Training and Guidance

- Training and Guidance.

- **Goal:** Develop a strategic FOIA/PA awareness outreach training/guidance program for all ED employees and FOIA outreach training/guidance program for specialized audiences.
VIII: Training and Guidance Improvement

(b)(2),(b)(5)
VIII: Training and Guidance Improvement
VIII: Training and Guidance Improvement

(b)(2), (b)(5)
8. Training and Guidance


Team Lead: IM

4a. By November 30, process criteria guidelines for FOIA processing, personal collateral duty assignments, and

4b. By December 31, process criteria guidelines for FOIA processing, personal collateral duty assignments, and
VIII: Training and Guidance

Indicators:

- 5. Revise and publish FOIA Regulations.

Team Lead: IPA

- 5a: By January 31
  - Develop and revise the Departmental FOIA Regulations.

- 5b: By February
  - Obtain documentation for Department of Education clearance of FOIA Regulations to be published in the Federal Register.
VIII: Training and Guidance

5. (continued) To be continued:

- 5c: By March 30, 2006, all required documents for public review and scrutiny shall be submitted.

- 5d: By April 30, 2006, all comments and suggestions received during the public review period shall be considered and evaluated.


- 5f: By June 29, 2006, a comprehensive training plan shall be implemented.
Plan Item: Training and Guidance Improvement (VIII: 2)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: FOIA Website Improvement (III: 2)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)
DEADLINES!
Department of Education FOIA Improvement Plan
August 31, 2006

Plan Item: Multi-Track Processing Improvement (V: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Training and Guidance Improvement (VIII: 2)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)
Plan Item: FOIA Website Improvement (III: 1)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)

Plan Item: Multi-Track Processing Improvement (V: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Training and Guidance Improvement (VIII: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)
Plan Item: FOIA Website Improvement (III: 1)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 2)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 2)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)
DEADLINES!
Department of Education FOIA Improvement Plan

November 15, 2006

Plan Item: FOIA Website Improvement (III: 1)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)

Plan Item: FOIA Website Improvement (IV: 1)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)

Plan Item: FOIA Website Improvement (IV: 2)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)
Plan Item: Affirmative Disclosure Improvement (I: 1)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)

Plan Item: Affirmative Disclosure Improvement (I: 2)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 2)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Improvement Ideas from Field Office Personnel (VII: 1)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)
Plan Item: Affirmative Disclosure Improvement (I: 1)
Team Lead: IPAST and IMCST
(b)(2)(b)(5)

Plan Item: Affirmative Disclosure Improvement (I: 2)
Team Lead: IPAST and IMCST
(b)(2)(b)(5)

Plan Item: Affirmative Disclosure Improvement (II: 7)
Team Lead: IMCST and IPAST
(b)(2)(b)(5)

Plan Item: FOIA Website Improvement (III: 1)
Team Lead: IPAST and IMCST
(b)(2)(b)(5)

Plan Item: Electronic FOIA Improvement (IV: 3)
Team Lead: IMCST and IPAST
(b)(2)(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IPAST and IMCST
(b)(2)(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2)(b)(5)

Plan Item: Improvement Ideas from Field Office Personnel (VII: 1)
Team Lead: IPAST and IMCST
(b)(2)(b)(5)

Plan Item: Training and Guidance Improvement (VIII: 1)
Team Lead: IMCST and IPAST
(b)(2)(b)(5)
# Department of Education FOIA Improvement Plan

## January 31, 2007

<table>
<thead>
<tr>
<th>Plan Item</th>
<th>Team Lead</th>
<th>Remarks</th>
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<tbody>
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<td>IPAST and IMCST</td>
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</table>
DEADLINES!

Department of Education FOIA Improvement Plan

Team Lead: IPAST and IMCST

(b)(2), (b)(5)
**Plan Item: Affirmative Disclosure Improvement (II: 5)**
Team Lead: IMCST and IPAST

(b)(2), (b)(5)

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**Plan Item: Electronic FOIA Improvement (IV: 4)**
Team Lead: IMCST and IPAST

(b)(2), (b)(5)

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**Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)**
Team Lead: IMCST and IPAST

(b)(2), (b)(5)

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**Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)**
Team Lead: IMCST and IPAST

(b)(2), (b)(5)

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**Plan Item: Improvement Ideas from Field Office Personnel (VII: 2)**
Team Lead: IPAST and IMCST

(b)(2), (b)(5)

---

**Plan Item: Training and Guidance Improvement (VIII: 5)**
Team Lead: IPAST and IMCST

(b)(2), (b)(5)
DEADLINES!
Department of Education FOIA Improvement Plan
March 30, 2007

Plan Item: Affirmative Disclosure Improvement (I: 1)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)

Plan Item: Affirmative Disclosure Improvement (I: 2)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)

Plan Item: Proactive Disclosure Improvement (II: 3)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Proactive Disclosure Improvement (II: 4)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Proactive Disclosure Improvement (II: 5)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Electronic FOIA Improvement (IV: 1)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)

Plan Item: Electronic FOIA Improvement (IV: 2)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)

Plan Item: Electronic FOIA Improvement (IV: 4)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

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# DEADLINES!
Department of Education FOIA Improvement Plan

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## DEADLINES!
Department of Education FOIA Improvement Plan

### April 30, 2007

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DEADLINES!
Department of Education FOIA Improvement Plan

May 15, 2007

Plan Item: Proactive Disclosure Improvement (II: 1)
Team Lead: IPAST and IMCST

(b)(2), (b)(5)
DEADLINES!
Department of Education FOIA Improvement Plan
May 30, 2006

Plan Item: Proactive Disclosure Improvement (II: 2)
Team Lead: IPAST and IMCST
(b)(2), (b)(5)

Plan Item: Electronic FOIA Improvement (IV: 3)
Team Lead: IMCST and IPAST
(b)(2), (b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2), (b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2), (b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2), (b)(5)

Plan Item: Improvement Ideas from Field Office Personnel (VII: 2)
Team Lead: IPAST and IMCST
(b)(2), (b)(5)

Plan Item: Training and Guidance Improvement (VIII: 5)
Team Lead: IPAST and IMCST
(b)(2), (b)(5)
DEADLINES!
Department of Education FOIA Improvement Plan

June 29, 2007

Plan Item: Proactive Disclosure Improvement (II: 1)
Team Lead: IPAST and IMCST
(b)(2), (b)(5)

Plan Item: Proactive Disclosure Improvement (II: 2)
Team Lead: IPAST and IMCST
(b)(2), (b)(5)

Plan Item: Electronic FOIA Improvement (IV: 3)
Team Lead: IMCST and IPAST
(b)(2), (b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2), (b)(5)

Plan Item: Training and Guidance Improvement (VIII: 5)
Team Lead: IPAST and IMCST
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Plan Item: Backlog Reduction/Elimination Improvement (VI:1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)
Plan Item: Proactive Disclosure Improvement (IV: 4)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)
DEADLINES!
Department of Education FOIA Improvement Plan

September 28, 2007

Plan Item: Proactive Disclosure Improvement (II: 6)
Team Lead: IMCST and IPAST

Plan Item: Proactive Disclosure Improvement (III: 3)
Team Lead: IPAST and IMCST

Plan Item: Proactive Disclosure Improvement (IV: 3)
Team Lead: IMCST and IPAST

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
Plan Item: Proactive Disclosure Improvement (II: 6)
Team Lead: IMCST and IPAST
(b)(2), (b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2), (b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 2)
Team Lead: IMCST and IPAST
(b)(2), (b)(5)
DEADLINES!
Department of Education FOIA Improvement Plan

November 30, 2007

Plan Item: Proactive Disclosure Improvement (II: 6)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Training and Guidance Improvement (VIII: 3)
Team Lead: IPAST and IMCST
(b)(2),(b)(5)

Plan Item: Training and Guidance Improvement (VIII: 4)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)
DEADLINES!
Department of Education FOIA Improvement Plan

December 31, 2007

Plan Item: FOIA Website Improvement (III: 3)
Team Lead: IPAST and IMCST
(b)(2), (b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
(b)(2), (b)(5)

Plan Item: Training and Guidance Improvement (VIII: 3)
Team Lead: IPAST and IMCST
(b)(2), (b)(5)

Plan Item: Training and Guidance Improvement (VIII: 4)
Team Lead: IMCST and IPAST
(b)(2), (b)(5)
**Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)**
Team Lead: IMCST and IPAST

(b)(2), (b)(5)

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**Plan Item: Backlog Reduction/Elimination Improvement (VI: 2)**
Team Lead: IMCST and IPAST

(b)(2), (b)(5)

---

**Plan Item: Backlog Reduction/Elimination Improvement (VI: 2)**
Team Lead: IMCST and IPAST

(b)(2), (b)(5)
Plan Item: Backlog Reduction/Elimination Improvement (VI:1)
Team Lead: IMCST and IPAST

(b)(2),(b)(5)
Plan Item: Backlog Reduction/Elimination Improvement (VI: 1)
Team Lead: IMCST and IPAST
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(b)(2),(b)(5)

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(b)(2),(b)(5)
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Team Lead: IMCST and IPAST
(b)(2), (b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI:1)
Team Lead: IMCST and IPAST
(b)(2), (b)(5)
DEADLINES!
Department of Education FOIA Improvement Plan

September 30, 2008

Plan Item: Backlog Reduction/Elimination Improvement (VI:1)
Team Lead: IMCST and IPAST

(b)(2),(b)(5)
DEADLINES!
Department of Education FOIA Improvement Plan

October 31, 2008

Plan Item: Backlog Reduction/Elimination Improvement (VI:1)
Team Lead: IMCST and IPAST

(b)(2),(b)(5)
DEADLINES!
Department of Education FOIA Improvement Plan

November 28, 2008

Plan Item: Backlog Reduction/Elimination Improvement (VI:1)
Team Lead: IMCST and IPAST

(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI:1)
Team Lead: IMCST and IPAST

(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI:1)
Team Lead: IMCST and IPAST

(b)(2),(b)(5)
Plan Item: Backlog Reduction/Elimination Improvement (VI:1)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)

Plan Item: Backlog Reduction/Elimination Improvement (VI:2)
Team Lead: IMCST and IPAST
(b)(2),(b)(5)
I forgot to add the Proactive Disclosure slide that modified the "Rule-of-Three" activity to include a "Common Sense Rule"!

It is now the "Rule-of-Three" and the "Rule-of-News" - I tried to keep the "rule" and syllable theme. But we all know it will be the "Rule of Three" and "News Rule" in practice.

---Original Message---

From: Kendrick, Tony (Contractor)  
Sent: Wednesday, September 13, 2006 9:44 AM  
To: Arrington, Angela  
Cc: Carter, Jennifer (Contractor)  
Subject: Updated slides (4) for Improvement Plan

Angela, good morning.

Attached are four slides that I have updated as a result of the briefing we had on Monday about the FOIA Improvement Plan.

The first slide is just an update of the first slide text (removing draft version and other info).

The Backlog slide action 1a (the monthly meetings) is updated with the old slide info about looking at what types of FOIAs are causing backlogs in the field that maybe should be processed with experienced processors in RIMS. That is the type of FOIAs and not individual FOIAs that we might want to drag back for processing on a case-by-case basis. Those were already part of a monthly meeting activity. Focusing on the "type" would mean they never get assigned to the field - and the field would only be asked to conduct a search for responsive records and send them to us.

The Backlog slide action 1d has been added from the old slide - the comparative identification work has been done.

The Training slide action item 4 refers to "selection and process guidelines" and replaces what was once referring to "standards" and also removing the word "performance" from the entire slide.

These changes have been reflected in the Deadlines document as well.

If you had any additional notes indicating changing a slide, please let me know. Otherwise, once I get the Lead names I will then finalize the slides and the Deadlines so they are ready by the 18th.

Thanks! -- Tony
5: Rule-of-Three

To be completed

Team Lead: ___

5a: By February 1, issue a guideline to use available material in the requested documents within 24 hours.

Rule-of-Three

5b: By March 1, issue a guideline to use available documents in the reading room.

Rule-of-New

5c: By April 1, issue a guideline to use available electronic posting guidelines.
VI: Backlog Reduction/Elimination

1. (continued) To build a comprehensive understanding of the backlog, it is crucial to conduct reviews to identify additional requests and opportunities for consolidation through affirmations or adjustments.

- This review will help in determining the resources (such as services, staff, or budget) needed and begin a budget process when necessary.

- This review will also address processing issues including barriers to cases or requests to identify common problems and the analysis for possible multiple requests.
VIII: Training and Guidance

In coordination with the Command and Control Center, develop and implement guidelines for FOIA process criteria guideline for FOIA collateral duty status. Deadline: December 31, 2006.

Team Lead: [Name]

4a. By November 30, 2006, complete the FOIA process criteria guideline for FOIA collateral duty status.

4b. By December 31, 2006, complete the FOIA process criteria guideline for FOIA collateral duty status.

September 18, 2006
From: Kendrick, Tony (Contractor)
Sent: Wednesday, September 13, 2006 9:44 AM
To: Arrington, Angela
Cc: Carter, Jennifer (Contractor)
Subject: Updated slides (4) for Improvement Plan

Angela, good morning.

Attached are four slides that I have updated as a result of the briefing we had on Monday about the FOIA Improvement Plan.

The first slide is just an update of the first slide text (removing draft version and other info).

The Backlog slide action 1a (the monthly meetings) is updated with the old slide info about looking at what types of FOIAs are causing backlogs in the field that maybe should be processed with experienced processors in RIMS. The type of FOIAs and not individual FOIAs that we might want to drag back for processing on a case-by-case basis. Those were already part of a monthly meeting activity. Focusing on the "type" would mean they never get assigned to the field - and the field would only be asked to conduct a search for responsive records and send them to us.)

The Backlog slide action 1d has been added from the old slide comparative identification work done.

The Training slide action item 4 refers to "selection and process guidelines" and replaces what was once referring to "criteria and standards" and also removing the word "performance" from the entire slide.

These changes have been reflected in the Deadlines document as well.

If you had any additional notes indicating changing a slide, please let me know. Otherwise, once I get the Lead names I will then finalize the slides and the Deadlines so they are ready by the 18th.

Thanks! -- Tony
The new FOIA plan was posted on 8/31/2006.

Steph

-----Original Message-----
From: Carpentier, Julian
Sent: Friday, August 25, 2006 10:00 AM
To: Valentine, Stephanie
Subject: FW: ED FOIA Plan

-----Original Message-----
From: Clark, Michell
Sent: Thursday, August 24, 2006 2:58 PM
To: 'Pamela.A.Maida@Usdoj.gov'; 'FOIAreporting@omb.eop.gov'
Cc: 'Kenneth.A.Hendricks@usdoj.gov'; Eitel, Robert S.; Anderson, Scott; Eiden, Lee; Arrington, Angela; Novick, Dianne; Carpentier, Julian
Subject: ED FOIA Plan

Honorable Alberto R. Gonzales
Attorney General
Department of Justice

Honorable Rob Portman
Director
Office of Management and Budget

Dear Messrs. Gonzales and Portman:

As the Department of Education's (ED) Chief FOIA Officer, I am pleased to transmit to you our agency's FOIA Plan as required by Executive Order 13,392. This document conveys our review of ED's FOIA operations with specific improvements and concrete milestones for FY 2006 and FY 2007. It includes several revisions to our "Backlog Reduction/Elimination" Section to better quantify our goals. Concurrent with this transmittal, we are in the process of posting this report on the Department of Education's FOIA website.

If you have any questions, or wish additional information concerning any component comprising this report, please contact Leo Eiden of my staff (202) 245-6454.

Sincerely,

Michell Clark
Assistant Secretary for Management

Attachment

<< File: ED FOIA PLAN (08.18.06).doc >>
Ok. Thanks.

Angela Arrington  
Department Of Education - OM  
550 12th St. SW - Room 9156  
Washington, DC  20004  
work (202) 245-6409  

-----Original Message-----  
From: Kendrick, Tony (Contractor)  
Sent: Thursday, August 24, 2006 3:14 PM  
To: Arrington, Angela  
Cc: HARRY. E. MOORE JR (E-mail); Carter, Jennifer (Contractor)  
Subject: The FOIA Plan - slides and deadlines  

Angela, good afternoon. As I mentioned in response to your earlier e-mail -- in updating the Deadlines document it was a good cross-check exercise and resulted in some adjustments to the previous PowerPoint slides I provided.

In summary - delete the previous PowerPoint attachment and go with this one.

I expanded the Deadlines document to include the improvement area the action item falls under and the placement indicator within the improvement area - makes it easier to link back to the slides and vice-versa.

And, as mentioned earlier - the backlog slides and deadlines do not reflect the revisions made last week and undergoing review at this time.

Thanks! -- Tony
(b)(2),(b)(5)
(b)(2), (b)(5)
(b)(2),(b)(5)
(b)(2), (b)(5)
(b)(2),(b)(5)
(b)(2),(b)(5)
(b)(2), (b)(5)
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(b)(2), (b)(5)
(b)(2), (b)(5)
(b)(2), (b)(5)
U.S. Department of Education

IMPROVEMENT IMPLEMENTATION PLAN

Version: 2
August 24, 2006

Submitted by:
Science Applications International Corp. (SAIC)
Improvement Plan Overview

- Directives to involve FOIA in record development and pre-release review.
- Revised ED FOIA Regulations
- FOIA Guidelines for multi-track, backlog reduction, and proactive disclosure actions
- Website updates and increased number of record postings.
- FOIAXpress training and emphasis areas
I. Affirmative Disclosure

- Affirmative disclosure under subsection 3(b)(ii) of Executive Order 13392

- **Goal:** Serve the interests of the public for information about ED operations and programs through proactive access to FOIA cleared documents likely to generate FOIA requests.
1. Place into process directives the information requests for the recognition of responsibility.

Team Lead: _

1a. By No.

DRAFT
management development for the application
1: (continued)

1b: By December, prepare a list of all FOGF management and review documents that are available through departmental FOIA requests and indicate if these are announcements for new applications of the Department.

1c: By January, update any SOPs that have been altered or amended after the announcement period.

1d: By March, distribute these revised SOPs (describe how) for review, etc.
I: Affirmation - Rationale

Impact

- 2: Increase use of computer technology to facilitate tracking of information of interest and be completed by [date].

  Team Lead: [name]  [Date]

- 2a: By November [date], additional needs to increase use of computer technology will be identified.
I: Affirmation Disclaimers

Impact

2. (continued) To be completed by [Insert Date], 2007.

2b: By December 29, 2007, create a schedule(s) for use of FOIAXpress features to include what information has been released, how it is being responded to, and what incoming FOIA requests are. Include information about documents of the

2c: By March 30, 2007, complete [Insert Plan] as part of FOIAXpress training.
II: Proactive Disclosure

- Proactive disclosure of records.

- **Goal:** Make records available to the public on own initiative so that there is less likelihood that records will become the subjects of FOIA requests filed by persons who are interested in obtaining such records.
II: Preliminary Draft

1. Establish a Dissemination Planning Review Committee in the Office of the Chief Information Officer, under the Chief Information Technology and Outreach, and create a document outlining a procedure for processing grant and contract reviews. Generate a copy in advance of release, and the redacted copies promptly. Please complete by June 29, 2009.

Team Lead: _______
II: Proactive Disclosure

1: (continued)

1a: No later than April 21, 2007, and in consultation with and implementation of ED management, develop and implement a plan for FOIA dissemination, consistent with FOIA requests.

1b: By May 15, 2007, submit a plan for dissemination to the Agency

1c: By June 29, 2007
II: Proactive Disclosure

2. Identify, in a Proactive Disclosure Communication, the documents that are likely to be FOIA-redacted versions of the Press, testimony, or other documents referenced in press releases, press, that will assist public access to the documents. The public affairs channel of the FOIA Reading Room and the press and the public.

Team Lead: ___
II: Protection Disclosures

2. (continued)

2a: No later than January 31, 2007, the Department of the Navy will develop or, at a minimum, request testimony to be

2b: By May 31, the Department of the Navy will develop or, at a minimum, have the process for a court review to avoid any potential testimony prepared.

2c: By June 2
II: Proactive Disclosure

3: Increase internal coordination to support pre-FOIA-requesting. To be completed.

Team Lead: __________

3a: By January, to develop process to increase intradepartmental coordination to determine potential for pre-FOIA redaction and redaction in the Reading Room.

3b: By March, to...
II: Proactive Disclosure Implementation

4. All documents related to project management plans shall be reviewed by March 30, 2007, with updates presented to the Project Review Committee in the Conference Room. To be completed by:

Team Lead: ________

4a. By January 31, the project schedule shall be updated and presented at each team meeting.

4b. By March 30, the project budget shall be reviewed and approved by the Project Review Committee.
II: Reporting/Display

5: Rule-of-Thumb: All projects must be completed by March 30.

Team Lead: ____________________________

5a: By February, develop a "rule of three" guideline to encourage "three-three-three" requests, followed by a "no-three" request process and a "no-three" request policy.

Reading Room: Once completed, the availability of "no-three" requests will be notified.

5b: By March, all projects must be completed.

 guideline.
II: Proactive Disclosure

6. Implement a tool that integrates natural language processing with existing human resources management systems and database to facilitate proactive searches. This tool will help to identify potential vulnerabilities in the collection and handling of sensitive information.

To be completed by:

Team Lead: __________

6a: By September 15, implement the first version of the tool for internal FOIA searches.

6b: By October 30, conduct a pilot study with Staff and FOIA Office personnel to evaluate the tool's effectiveness and provide feedback for improvement.

6c: By November 15, complete the implementation and fully integrate the tool with existing systems.
II: Proactive Disclosure Improvement

7. Routinely use technology to track, trend, and identify trends on a daily basis to use in determining whether to post releases within the E-FOIA Reading Room. To be started by December 31, 200
III: FOIA Website Improvement

- Overall Website Improvement.

- Goal: Implement web enhancements as a result of a review of its current structure.
III: FOIA Workplan

1. Review and implementation of the ED FOIA system changes, release of ease-of-use by web visitors.
   December 29, 2009
   Team Lead: ________

1a. By September 15, 2009:
   - Finalize the review of the ED FOIA system and the calculation and evaluation criteria.

1b. By October 15, 2009:
   - Finalize the review of the ED FOIA system.
   - Ensure the system meets or exceeds the FOIA mandates at least four
III: FOIA

1c: By November 29, 2006.

1d: By December 16, 2006.

2: Draft staff report, with recommendations. Post on FOIA web pages. Include electronic submission of EIR relevant to EIRs.

3: 45 days from receipt.

4: 45 days from receipt.
III: FOIA Website Repletion

2. Update information on the website to reflect the design of Order 13392. To be done by:

Team Lead: ______

2a: By June 30, update the website to reflect the Chief Information Officer's directions, and the FOIA Section's

2b: By July 31, review and update Website pages.
III: FOIA Development

3. Redesign and immediate launch of FOIA Development to accommodate increased volume, which will be based upon current business needs.

Team Lead: [Name]

3a: By September 2023, FOIA Reader User Manual and FOIA Reading and Writing Elements of the Department.

3b: By December 2023, FOIA Development Website pages.
IV: Electronic FOIA

- Electronic FOIA -- Automated processing and security

- **Goal:** Improve the automation of FOIA submissions and tracking process by using the full functionality of FOIAxpress and implement FOIAxpress beyond Headquarters FOIA/PA staff. Use specialized CDs to assure requesters they have received an original and official FOIA release of Department
IV: Electronic Process Improvement

1. Leverage the current system to better recognize and process request.

   Team Lead: ___

1a: By November
- Review and refresh training module.

1b: By January
- Update training programs that show status of a request.

1c: By March
- Review and update training module.
IV: Electronic Reporting

2. Use FOIA or the internet for the information.

Team Lead: ___

2a: By November 1st, provide training materials and features of the system.

2b: By January 1st, provide training on the system and html conversion.

2c: By March 1st, provide training on the system and conversion.
IV: Electronic Document Management

3. Develop a customized document management system that is user-friendly and provides high value. The system should be completed by:

   Team Lead: [Name]

3a. By December 31:
   - Extract and upload federal FOIA records to FOIA.gov.

3b. By May 30:
   - Develop and implement a method of sending CDs to respondents, business property beyond that of

IV: Electronic FOI Request Processing

3. (continued) To be completed by July 31, 2007.

3c: By June 29, 2007, provide guidance to FOI officers to consider in determining, in consultation with the FOI Coordinator, the format to release responsive records.

3d: By September 28, 2007, provide guidance to FOI officers for releasing responsive records in an electronic format.
IV: Electronic FOIA Implementation


4a: By February, having CDs available in correct nomenclature for FOIA releases.

4b: By March, research and having CDs available.

4c: By August, having CDs manufactured.
V: Multi-Track Processing

- Multi-Track Processing

- Goal: Establish multi-tracks for processing FOIA/PA requests across the Department.
V: Multi-Track Processing

1. Develop and implement project timelines and implement completed tasks.

Team Lead: ___

**Simple Track:** Records with a completion date within 7 workdays from the date the record is received are considered responsive. These are those for which full decision is required. Records are usually focused on completing the main task only.

1a: By August 31st, all identified factors in determining the completion of the simple tracks are fully planned.

1b: By September 30th, all identified factors in determining the completion of the simple tracks are fully completed.

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(Continued text may be present on subsequent pages.)
Routine Track: Requests for which responses are those workdays quickly, not by the routine 29, 2006.

1c: By August the number of annual report.

**Complex Track:** Requests can take several months to process from the date of receipt. This process can involve an extensive analysis of claims and those that involve an extensive volume of records and/or consultations. Complex requests are generally focused on a specific issue or inquiry, and possibly historic in nature, and may be excluded due to an established limit for a response, the complexity of the issue, or that their request has been previously provided all other requested regulations.
V: Multi-Track Processing

1. (continues)

If: By August 31st, the project team should be selected and the project scope
   determined. Factors in determining the scope include:

   a) Guidelines and requirements for the project
   b) The nature of the project
   c) The complexity of the project
   d) The time frame

If: By September 15th, the project team should be selected and
   the project scope should be determined.
V: Multi-Track Processing

1. (continued) The Agency is taking steps towards implementation of this track (in lieu of the complex track). The expedited requirements were included in the implementation of this track above.

- Th: By August, the Agency will meet the expedited requirements
- Th: By September, the expedited requirements
- Th: By September, the expedited requirements
VI: Backlog Reduction/Elimination

- Backlog Reduction/Elimination.

- **Goal:** Institute a tracking system to assist in managing the processing of requests remaining open for more than 20 working days, periodically informing requesters of the status of their request, and provide requesters information to consider that may result in faster processing.
VI: Backlog Reduction/Elimination

1. Implement backlog reduction / elimination

Team Lead: ___

1a: By September, focus and eliminate the annual FOIA requests and Office older FOIA requests.

1b: By October, focus and eliminate the annual similar FOIA requests in the Program. Continue similar FOIA requests in the Program.
1c: By December 31, 2007, the number of what types of requests is calculated and field offices are using the system for processing requests, and field offices that cannot comply are updated in FOLAR by FOLAR specialist.

- The assessments of what types of requests is a priority. Identify what type of requests is high priority and headquarter.

- The assessments of what types of requests is a priority. Identify what type of requests is high priority and headquarter.

- The assessments of what types of requests is a priority. Identify what type of requests is high priority and headquarter.
VI: Backlog Reduction/Elimination

1. (continued)


1e: By Monday, January 1, 2007, to all requesters, explain the meaning of the MED FOIA baseline and provide a list of factors that state times.
VII: Improvement Ideas from Field Office Personnel

- Improvement ideas from field office personnel.

- **Goal:** Implement FOIAXpress software in Office for Civil Rights Regional Offices.
VII: Improving Field Officer Performance

1. Implement a pilot program in all CR Regional Offices (Salt Lake City, CA, PA)
   To be completed
   Team Lead: _____

2. Implement FOIA requests in all CR Regional Offices. To be completed
   Team Lead: _____
VIII: Training and Guidance

- Training and Guidance.

- Goal: Develop a strategic FOIA/PA awareness outreach training/guidance program for all ED employees and FOIA outreach training/guidance program for specialized audiences.
VIII: Training and Guidance

1. Develop and Standardize Operating Procedure (SOP) for Service Optimization and Operations (SOIA) processing and get approved by December 29, 2022.

Team Lead: ________

1a. By September 1, 2022, complete the draft of the Operating Procedure manual.

1b. By December 1, 2022, conduct training sessions for all team members.
Steven,

This is the Department's revised FOIA Plan. It needs to be formally transmitted by Michell to the Department of Justice and OMB. Nina can provide you with additional background.

The transmittal note is listed below including the revised plan (attached).

This should be emailed to:
* the Attorney General by electronic transmission to OIP at the following e-mail address: Pamela.A.Maida@usdoj.gov.
* the Director of OMB at FOIAreporting@omb.eop.gov.

In addition, will you please cc:
* Kenneth.A.Hendricks@usdoj.gov
* Bob Eitel
* Mary Michelson
* Scott Andersen
* Lee Eiden
* Angela Arrington
* Dianne Novick
* Julian Carpentier

If you have any questions, please contact Angela or myself.

Thanks.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623

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Honorable Alberto R. Gonzales
Attorney General
Department of Justice

Honorable Rob Portman
Director
Office of Management and Budget
Dear Messrs. Gonzales and Portman:

As the Department of Education’s (ED) Chief FOIA Officer, I am pleased to transmit to you our agency’s FOIA Plan as required by Executive Order 13,392. This document conveys our review of ED’s FOIA operations with specific improvements and concrete milestones for FY 2006 and FY 2007. It includes several revisions to our “Backlog Reduction/Elimination” Section to better quantify our goals. Concurrent with this transmittal, we are in the process of posting this report on the Department of Education’s FOIA website.

If you have any questions, or wish additional information concerning any component comprising this report, please contact Leo Eiden of my staff (202) 245-6454.

Sincerely,

Michell Clark
Assistant Secretary for Management

Attachment

From: Eiden, Lee
Sent: Monday, October 01, 2007 11:06 AM
To: Kendrick, Tony (Contractor)
Subject: FW: DRAFT ED FOIA Plan (DOJ Approval)

-----Original Message-----
From: Clark, Michell
Sent: Wednesday, August 23, 2006 6:00 PM
To: Eiden, Lee; Mitchelson, Mary; Eitel, Robert S.
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne; Carpentier, Julian
Subject: RE: DRAFT ED FOIA Plan (DOJ Approval)

Great news!!! Thanks to all for the very prompt and thorough response.

Make it a Great Day!!

Michell Clark
Assistant Secretary for Management
Department of Education
400 Maryland Ave., S.W.
Washington, D.C. 20202
(202) 260-7337

-----Original Message-----
From: Eiden, Lee
Sent: Wednesday, August 23, 2006 3:54 PM
To: Clark, Michell; Mitchelson, Mary; Eitel, Robert S.
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne; Carpentier, Julian
Subject: DRAFT ED FOIA Plan (DOJ Approval)
Importance: High

Michell, Mary and Bob,

I just got off the phone with Ken Hendricks (DOJ). He has approved our revisions to the FOIA Plan. In addition, he appreciated our “cooperation and fast turnaround.” Ken also wanted to let me know that following a thorough review of all agencies plans, the Attorney General will issue a report to the White House and at some point the agencies could be requested to make additional changes. However, he recommended that we formally resent the revised plan to OMB and DOJ; and, to revise our ED FOIA website accordingly.

All in all, an exceptional turnaround in just a week.

OMRIMS will now prepare the official transmittal email and website revisions.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
  Telephone: 202.245.6454
  Fax: 202.245.6623

-----Original Message-----
From: Kenneth.A.Hendricks@usdoj.gov
[ mailto:Kenneth.A.Hendricks@usdoj.gov]
Sent: Tuesday, August 22, 2006 7:31 AM
To: Eiden, Lee
Subject: RE: DRAFT ED FOIA Plan (DOJ Requested Revisions)

Thanks, Lee. I will take a look at this today and give you a call either this afternoon or tomorrow afternoon.

-Ken.

-----Original Message-----
From: Lee.Eiden@ed.gov [ mailto:Lee.Eiden@ed.gov]
Sent: Monday, August 21, 2006 4:01 PM
To: Hendricks, Kenneth A
Cc: Michell.Clark@ed.gov; Nina.Aten@ed.gov; Angela.Arrington@ed.gov
Subject: DRAFT ED FOIA Plan (DOJ Requested Revisions)
Importance: High

Ken,

Based upon our earlier conversation (Wednesday, August 16) and the information provided in the DOJ FOIA Plan (Section E.7 - "Backlog Reduction" < http://www.usdoj.gov/foia/ourplan.htm>, the Department of Education (ED) has made a number of revisions to our FOIA Plan. More specifically, we've better quantified our "Goal," "Improvement Steps," and "Measurements of Success" relating to our section on "Backlog Reduction/Elimination" (Section 6).
We have already shared this draft with both the ED Office of the General Counsel and the Office of the Inspector General. Both offices agreed with the revisions.

> Our revisions are very similar to the DOJ plan; however, our format is consistent to what we used throughout the document. Please note that all of the revisions are in blue. For ease, the revision are located:
> * Cover page
> * Page 5
> * Pages 10-11
> * Page 13
>
> The revised document is attached below:
> >> ED FOIA PLAN (08.18.06).doc
>
> We wanted to share this draft document with you now and hope that you will contact me if you have any questions or concerns. If this addresses your concerns, please let me know. If it does not, I am ready to discuss this at your convenience.

Following a positive review, we will formally retransmit the document to DOJ and OMB. In addition, we will change our ED FOIA website (ed.gov) to note that this document has been revised from the earlier version, and more specifically direct the readers/viewers attention to "Backlog Reduction/Elimination" (Section 6).

I remain optimistic that all of this work will be completed by September 12.

I will be here through Wednesday (August 23) and then out on vacation through September 5 (Tuesday). During my absence, please feel free to contact Angela Arrington, our senior FOIA Public Liaison (angela.arrington@ed.gov; 202.245.6409).

> Lee
> 
> Lee Eiden
> Acting Director
> Regulatory Information Management Services
> Office of Management
> U.S. Department of Education
> Room 9149 - Potomac Center Plaza
> 550 12th Street, SW, Washington, DC 20202
> Telephone: 202.245.6454
> Fax: 202.245.6623
Angela, good afternoon. This is to follow-up our brief conversation yesterday.

Attached are the updated FOIA Improvement Plan slides. Each primary action item has an indication of:

"Team Lead: _____ Team Member(s): _____" to be filled in (possibly at a joint meeting of all the staff to review the proposed plan).

I followed Jennifer's e-mail of August 10th outlining changes - some of which affected the slides. However, the Backlog slides I did not adjust to reflect changes I provided to y'all last Thursday. Once that comes back I can reflect those adjustments.

I have not made any changes to the "Deadlines!" document - but if that is going to be shared before the Plan is adopted by all the players (which might affect proposed due dates), I can do that.

The only suggestion regarding the slides you might want to consider - (b)(5) in yellow text the date that was submitted in the original plan. If a "yellow" date were to be changed, then our Plan posted on the web would need to be updated to reflect the change. Particularly useful if a guideline is going to be that no yellow dates can be extended, only shortened.

Thanks! -- Tony

Tony Kendrick, SAIC Lead FOIA Specialist

Regulatory Information Management Services

Freedom of Information Act

Department of Education

Office: 202-245-6563; Fax: (202) 245-6623
U.S. Department of Education

FEDRA Improvement Implementation plan

Version: 1
July 28, 2006

Submitted by:
Science Applications International Corp. (SAIC)
- Directives to improve development and
- Revised ED Flow
- FOIA Guidelines
- Website update and
  record posting
- FOIAXpress tool
I. Affirmative Disclosure

- Affirmative disclosure under subsection 3(b)(ii) of Executive Order 13392

- **Goal:** Serve the interests of the public for information about ED operations and programs through proactive access to FOIA cleared documents likely to generate FOIA requests.
I: Affirmative Disclosure Improvement

1: Place into the Departmental internal review process directives that identify, in advance, certain records or information that are likely to be of such interest to members of the public they will submit FOIA requests for the records and that also outlines program responsibility to reduce or avoid such outcomes. To be completed by March 30, 2007.

Team Lead: ______ Team Member(s): ______

1a: By November 30, 2006, modify or develop a DRAFT management directive indicating at what point in document development the ED FOIA Staff will be consulted for the purpose of modifying the document to avoid the need for the application of FOIA exemptions or that will minimize the need to apply FOIA exemptions.
I: Affirmative Disclosure Improvement

1: (continued). To be completed by March 30, 2007.

1b: By December 29, 2006, modify or develop a DRAFT management directive that will require a FOIA-releasable document be created for release concurrent with an announcement or public release of information related to a Department document.

1c: By January 31, 2007, modify or develop a DRAFT FOIA SOP directive that outlines the pre-FOIA-request redaction and posting process.

1d: By March 30, 2007, place management directives and SOPs (described above), into Departmental clearance process for review, comment, and eventual implementation.
I: Affirmative Disclosure Improvement

2: Increase use of electronic information technology to facilitate ready-access to information of interest to the public. To be completed by March 30, 2007.

Team Lead: _____  Team Member(s): _____

2a: By November 30, 2006, identify training needs to increase use of capabilities of FOIAXpress.
2. (continued) To be complete by December 29, 2007.

2b: By December 29, 2007, the FOIAXpress staff shall report on use of FOIAXpress features and identify what information has been reasonably received in response to incoming FOIA requests. The Director shall also provide information about documents of the type and form described in the plan.

2c: By March 30, 2007, the FOIAXpress training materials as part of FOIAXpress training.
II: Proactive Disclosure

- Proactive disclosure of records.

- **Goal:** Make records available to the public on own initiative so that there is less likelihood that records will become the subjects of FOIA requests filed by persons who are interested in obtaining such records.
1. Establish a Directive

   Establish a Directive

   Office of the Chief

   Information

   Communications

   and Outreach, and

   a process

   for determining

   types

   of grant and contract

   documents

   whose

   redacted copies

   are

   coincident with a

   proposal

   to be

   made public

   by June 29, 2007.

Team Lead: _____
II: Prevention Dispell

1a: No later than 90 days from the implementation of ED management, disseminate, to all parties by MD 1000.

1b: Provide a comprehensive overview of the nature of FOIA requests.

1c: By June 2007, review the efficacy of the dissemination of ED management.
II: Proactive Disclosure

2: Identify, in the FOIA Reading Room or via the Proactive Disclosure System, the documents that are likely to be released under the FOIA. Request redacted versions of documents that are available, testimony, or other materials related to documents referenced in public affairs channels. If you need assistance public affairs channels, please contact the press and the press and the public affairs channels.

Team Lead: _______
2. (continued)

2a: No later than 90 days after the relationship subject to the development or, at a minimum, 20 days prior to testimony to be requested under subpart 4.

2b: By May 30, 2007, initiate the process for any case or avoid any possible case or testimony process.

2c: By June 29, 2007, initiate the development or, at a minimum, 20 days prior to testimony to be requested under subpart 4.
II: Project—Detailed

3: Increase intra-department coordination to ensure FOIA requests are more efficiently processed. To be completed... Team Lead: 

3a: By January, process to increase intra-department coordination to determine potential redactions and redactions. Reading Room... 

3b: By March,
II: Proactive Display

Impact:

4: All documents required for March 30, 2007, will be placed in the Reading Room. To be completed by:

Team Lead: ______

4a: By January 31, 2007, all documents will be reviewed and approved.

4b: By March 30, 2007, all documents will be reviewed more than twice and approved more than twice by March 30.
II: Proactive Disclosure

5: Rule-of-Three

5a: By February, develop a guideline to use the “rule of three” request process and post it in the Reading Room. Ensure the availability of the posting.

5b: By March, complete the guideline.
II: Protection Display

6. Implement language and database search. Effective searches can facilitate collection and reporting.

To be completed

Team Lead: ___

6a: By September 15, 2023, conduct search for internal FOIA.

6b: By October 15, 2023, conduct search for Staff and FOIA comment.

6c: By November 15, 2023, conduct search for FOIA.
II: Proactive Disclosure Improvement

7. Routinely use technology to track, guard, and identify trends on a daily basis to use in determining whether to post releases in the E-FOIA Reading Room. To be submitted, processing requirement by December 31, 2020.
III: FOIA Website Improvement

- Overall Website Improvement.

- **Goal:** Implement web enhancements as a result of a review of its current structure.
III: FOIA Website Development


   Team Lead: ______

   1a: By September, complete the review of the ED FOIA website design evaluation criteria.

   1b: By October, review of the ED FOIA website compared to at least four other federal FOIA websites.
III: FOIA Implementation

1. (continued)
2006.

1c: By November 1, 2006, an implementation report, with recommendations, should be posted on F:
1d: By December 29, 2006.
III: FOIA Work Plan

2. Update information on Office of the Secretary’s website to reflect the design for Order 13392. To be done:
   Team Lead: ______

2a. By June 30, post Order 13392 and its appendices to the FOIA Office’s website. Review the FOIA work plan and submit to the OPM

2b. By July 31, update the Order 13392 and FOIA Office’s Website pages.
III: FOLIA Redesign

3. Redesign FOLIA Website...
IV: Electronic FOIA

- Electronic FOIA -- Automated processing and security

- **Goal:** Improve the automation of FOIA submissions and tracking process by using the full functionality of FOIAXpress and implement FOIAXpress beyond Headquarters FOIA/PA staff. Use specialized CDs to assure requesters they have received an original and official FOIA release of Department
IV: Election:

1. Leverage the training module to better recognize status of a request.
   
   To be completed by:
   
   Team Lead: ___

- 1a: By November 1, training module to be ready for request.

- 1b: By January 1, training programs the status of a request.

- 1c: By March 1, training module available.
IV: Electron Count

2. Use FOIA
   or the internet
   Team Lead: ___

2a: By November
   training materials
   features of
   Express

2b: By January
   training program
   determining

2c: By March
   training meetings
IV: Electronic Database Management

3. Develop a convenient, accessible, and most user-friendly online database to provide high value of information. This database should be completed by [date].

Team Lead: [Name]

3a. By December 31, 2023, complete an inventory of federal FOIA database records to FOIA.

3b. By May 30, 2024, sort and identify records of CDs to respond to business requests beyond that of federal FOIA.
IV: Electronic FOIA Request

3. (continued) To be completed by September 30, 2007.

3c: By June 29, 2007, provide reports to consider in determining, in consultation with your organization, the format to release responsive records.

3d: By September 28, 2007, implement system to release responsive records in a timely manner.
IV: Electronic FOIA Log

4. Acquire an appropriate database and validate its functionality. The database was an official FOIA release.

Team Lead: ____________

4a: By February, have the database having CD's nomenclature.

4b: By March, ensure the research and security aspect.

4c: By August, finalize CDs manufacturing.
V: Multi-Track Processing

- Multi-Track Processing

- **Goal:** Establish multi-tracks for processing FOIA/PA requests across the Department.
V: Multi-Track Processing

1. Develop high-level plans and implement, with the completed plans.

Team Lead: ___

**Simple Track:** Records from the date of investigation and those for which responsive records are available. Records are usually focused on.

1a: By August, determining factors in doubt and implementing the simple track.

1b: By September, implementing the simple track.
1. (continued from page 289)

Routine Track: Routine tracking for days is used for those
requests for which a response is required within 90
workdays from the date of receipt. There are those
requests for which a response is required within 30
workdays from the date of receipt. Most of these requests
are handled by the entity to which the request was
originally mailed. When a request is handled by another
entity, the response must be mailed to the requestor.

1c: By August 30, 2006, the reporting
dates for the number of requests for routine
track.

1d: By August 30, 2006, the number
of requests for routine track.

1e: By September 30, 2006,
1. (continued)

**Complex Track:** Requests that involve an extensive process from the date of submission to the date of response or those that involve an extensive consultation process because of the volume of records involved. Complex Consultations may be focused and possibly historical in scope. Because complex requests require extended time to process for a response, they include a time limit that their request has been pending for a response, they will be provided all other regulations.
V: Multi-Track Recording

1. (continued)

   1f: By August, the complex
   had been completed and
   background factors
   in determining
   track.

   Guidance
   requirements
   to include
   their
   The
   complex
   music
   in a
   The
   requested
   influence
   the scope
   and their
   influence
   due their

**Expedited Track**: Regular regulatory requirements to be considered in this track (in lieu of the complex track). The implementation of the guidelines above.

- 1h: By August 30th, expediting decisions in the expeditious track meet the expedited requirements of the FOIA regulation.
- 1t: By September 15th, meeting guidelines.

Team Lead: ________

2a. By January 31, 2007, revise the Department of Education's FOIA regulations to improve processing and reduce delays in responding to FOIA requests resulting from high volume.

2b. By February 28, 2007, keep the FOIA regulations for the Department of Education that are currently in force to be published in the Federal Register.

2c. By March 31, 2007, conduct public review of new regulations for
V: Multi-Threaded Processing and Implications

2. (continued) To be completed by June 29, 2007.

2d: By April 30, 2007, all necessary documents received during the current year.

2e: By May 30, 2007, the final report shall be published as a final document.
VI: Backlog Reduction/Elimination

- Backlog Reduction/Elimination.

- **Goal:** Institute a tracking system to assist in managing the processing of requests remaining open for more than 20 working days, periodically informing requesters of the status of their request, and provide requesters information to consider that may result in faster processing.
VI: Backlog Reduction / Elimination

1. Implement 1-1x per week to be completed

Team Lead: __________________________

1a: By September, focus and eliminate the FOIA requests at Office older

1b: By October, focus and eliminate similar FOIA requests in

Program Office
VI: Backlog Reduction/Elimination

1. (continued)

   1c: By December 2007, the various databases will be restructured to ensure that the processing of requests is not delayed or stopped. This effort is necessary to ensure that the various types of requests are processed efficiently.

   - The assessment of requests will be conducted by a specialist.
   - The assessment of requests will be completed within 30 days of the receipt of the request.
   - The assessment of requests will be conducted by a specialist.
VII: Improvement Ideas from Field Office Personnel

- Improvement ideas from field office personnel.

- **Goal:** Implement FOIAxpress software in Office for Civil Rights Regional Offices.
VII: Improvements Needed from the Field Officer Personnel: Management Agreement

1. Implement a pilot FOIAX system for HCR Regional Offices (San Luis, CA, and Philadelphia, PA).
   To be completed:
   Team Lead: ______ Team:

2. Implement FOIAX system for other HCR Regional Offices. To be completed:
   Team Lead: ______ Team:

VIII: Training and Guidance

- Training and Guidance.

- Goal: Develop a strategic FOIA/PA awareness outreach training/guidance program for all ED employees and FOIA outreach training/guidance program for specialized audiences.
VIII: Training and Guidance

1. Develop and implement a System of Operating Procedure (SOIAP) for FOIA processing and complete by December 29, 2016.

   Team Lead: 

1a. By September 1, 2016, update all operating procedures manuals.

1b. By December 29, 2016, ensure all employees are familiar with the new procedures.

VIII: Training and Guidance

2. Initiate quality improvement initiatives.


Team Lead: ________

2a: By August 1, 2006.

Coordinators: ________

2b: By July 31, 2006.

appropriate SSO, quarterly training
3. Review Employee Performance Reports annually, update and distribute by December.

Team Lead: __________

3a: By November, perform a review of all written plans, such as performance, quality assurance, and regulatory requirements, and recommend any necessary revisions.

3b: By December, update the annual plan to reflect the revised goals.
VIII: Training and Guidance

4. Develop a comprehensive training program for TOLIA personnel, focusing on collateral duties.
   December
   Team Lead: __________

4a. By November, establish performance criteria and indicators for coordinators, and collaborators.

4b. By December, review and update performance criteria and indicators for coordinators, and collaborators.
Thanks, Lee. I will take a look at this today and give you a call either this afternoon or tomorrow afternoon.

-Ken.

-----Original Message-----
From: Lee.Eiden@ed.gov  
Sent: Monday, August 21, 2006 4:01 PM  
To: Hendricks, Kenneth A  
Cc: Michel.Clark@ed.gov; Nina.Aten@ed.gov; Angela.Arrington@ed.gov  
Subject: DRAFT ED FOIA Plan (DOJ Requested Revisions)  
Importance: High

Ken,

Based upon our earlier conversation (Wednesday, August 16) and the information provided in the DOJ FOIA Plan (Section E.7 - "Backlog Reduction" <http://www.usdoj.gov/04foiafourplan.htm>), the Department of Education (ED) has made a number of revisions to our FOIA Plan. More specifically, we've better quantified our "Goal," "Improvement Steps," and "Measurements of Success" relating to our section on "Backlog Reduction/Elimination" (Section 6).

We have already shared this draft with both the ED Office of the General Counsel and the Office of the Inspector General. Both offices agreed with the revisions.

Our revisions are very similar to the DOJ plan; however, our format is consistent to what we used throughout the document. Please note that all of the revisions are in blue. For ease, the revision are located:

> Cover page
> Pages 5
> Pages 10-11
> Page 13

The revised document is attached below:

We wanted to share this draft document with you now and hope that you will contact me if you have any questions or concerns. If this addresses your concerns, please let me know. If it does not, I am ready to discuss this at your convenience.

Following a positive review, we will formally retransmit the document to DOJ and OMB. In addition, we will change our ED FOIA website (ed.gov) to note that this document has been revised from the earlier version, and more specifically direct the readers/viewers attention to "Backlog Reduction/Elimination" (Section 6).

I remain optimistic that all of this work will be completed by September 12.

I will be here through Wednesday (August 23) and then out on vacation through September 5 (Tuesday). During my absence, please feel free to contact Angela Arrington, our senior FOIA Public Liaison (angela.arrington@ed.gov; 202.245.6406).
Ken,

Based upon our earlier conversation (Wednesday, August 16) and the information provided in the DOJ FOIA Plan (Section E.7 - "Backlog Reduction" <http://www.usdoj.gov/04foiafourplan.htm>), the Department of Education (ED) has made a number of revisions to our FOIA Plan. More specifically, we've better quantified our "Goal," "Improvement Steps," and "Measurements of Success" relating to our section on "Backlog Reduction/Elimination" (Section 6).

We have already shared this draft with both the ED Office of the General Counsel and the Office of the Inspector General. Both offices agreed with the revisions.

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* Cover page
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* Pages 10-11
* Page 13

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Following a positive review, we will formally retransmit the document to DOJ and OMB. In addition, we will change our ED FOIA website (ed.gov) to note that this document has been revised from the earlier version, and more specifically direct the readers/viewers attention to "Backlog Reduction/Elimination" (Section 6).

I remain optimistic that all of this work will be completed by September 12.

I will be here through Wednesday (August 23) and then out on vacation through September 5 (Tuesday). During my absence, please feel free to contact Angela Arrington, our senior FOIA Public Liaison (angela.arrington@ed.gov; 202.245.6409).

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623
From: Eiden, Lee
Sent: Monday, August 21, 2006 3:04 PM
To: Mitchelson, Mary; Clark, Michell; Eitel, Robert S.
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne; Eason, Chan; Carpentier, Julian
Subject: RE: ED FOIA Plan (DOJ Requested Revisions)

Mary,

Thanks for your quick response. Since both OIG and OGC have agreed, we (OM) will now informally share the document with Mr. Kendrick (DOJ). If he has no substantive issues, we will formally resubmit and revise the ED FOIA website.

Lee

-----Original Message-----
From: Mitchelson, Mary
Sent: Monday, August 21, 2006 2:59 PM
To: Eiden, Lee; Clark, Michell; Eitel, Robert S.
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne; Eason, Chan
Subject: RE: ED FOIA Plan (DOJ Requested Revisions)

Lee,

We have no comments on the revised plan. Thanks for the chance to review this.

Mary

Mary Mitchelson
Counsel to the Inspector General
Department of Education
550 12th Street, S.W., Rm. 8093
Washington, D.C. 20024
202-245-6987
mary.mitchelson@ed.gov

-----Original Message-----
From: Eiden, Lee
Sent: Friday, August 18, 2006 3:13 PM
To: Clark, Michell; Mitchelson, Mary; Eitel, Robert S.
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne
Subject: ED FOIA Plan (DOJ Requested Revisions)
Importance: High

On Wednesday (August 16), both the Assistant Secretary (Michell Clark) and I received telephone calls from Ken Hendricks at the Department of Justice (DOJ) regarding our "FOIA Plan."

Mr. Hendricks believes that there is a potential deficiency concerning our section on "Backlog Reduction/Elimination" (Section 6). More specifically, he asked that we quantify our reductions. He recommended that we review this section in the DOJ plan. RIMS has done so and we have revised our plan accordingly. Before moving forward, we want to share this material with both the Office of the General Counsel and the Office of the Inspector General reviewed the initial plan.

Below is the hyperlink for the DOJ Plan. As this is an extensive document, it is helpful to know that the pertinent section is near the beginning (Section E.7 - "Backlog Reduction").

<http://www.usdoj.gov/04foia/ourplan.htm>
Our revisions are very similar to the DOJ plan; however, our format is consistent to what we used throughout the document. Please note that all of the revisions are in blue. For ease, the revision are located:

* Cover page
* Page 5
* Pages 10-11
* Page 13

The revised document is attached below:

<< File: ED FOIA PLAN (08.18.06).doc >>

Mr. Hendricks requested that our agency complete all revisions, renotify DOJ and OMB, and post the document on our website by September 12. He also requested that we amend our website to ensure that any user understands what section was revised and note the document accordingly. I assured him that we would comply.

If you agree with the proposed revisions, I will share it with Mr. Hendricks before the document is transmitted and posted.

If you have any questions, please contact me.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623
Thanks Will. Based upon information from Lee to you earlier, we will count this as OGC concurrence.

Make it a Great Day!!

Michell Clark
Assistant Secretary for Management
Department of Education
400 Maryland Ave., S.W.
Washington, D.C. 20202
(202) 260-7337

-----Original Message-----
From: Haubert, William
Sent: Monday, August 21, 2006 10:55 AM
To: Eiden, Lee
Cc: Clark, Michell; Eitel, Robert S.
Subject: FOIA Plan

Lee --

Thanks for sending the revised plan to OGC for review. I have one observation. [b](5)

Will Haubert
Will,

I believe that Mr. Hendricks will be pleased with the proposed specifics. (b)(5)

Lee

-----Original Message-----
From: Haubert, William
Sent: Monday, August 21, 2006 10:55 AM
To: Eiden, Lee
Cc: Clark, Michell; Eitel, Robert S.
Subject: FOIA Plan

Lee --

Thanks for sending the revised plan to OGC for review. I have one observation. (b)(5)

Will Haubert
From: Clark, Michell
Sent: Monday, August 21, 2006 9:32 AM
To: Eiden, Lee; Mitchelson, Mary; Eitel, Robert S.
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne
Subject: RE: ED FOIA Plan (DOJ Requested Revisions)

Mary and Bob,

Thanks for your assistance in reviewing this document. I think Lee and his team have done a good job of quantifying our reductions. We look forward to receiving your feedback.

Make it a Great Day!!

Michell Clark
Assistant Secretary for Management
Department of Education
400 Maryland Ave., S.W.
Washington, D.C. 20202
(202) 260-7337

-----Original Message-----
From: Eiden, Lee
Sent: Friday, August 18, 2006 3:13 PM
To: Clark, Michell; Mitchelson, Mary; Eitel, Robert S.
Cc: Aten, Nina; Arrington, Angela; Novick, Dianne
Subject: ED FOIA Plan (DOJ Requested Revisions)
Importance: High

On Wednesday (August 16), both the Assistant Secretary (Michell Clark) and I received telephone calls from Ken Hendricks at the Department of Justice (DOJ) regarding our "FOIA Plan."

Mr. Hendricks believes that there is a potential deficiency concerning our section on "Backlog Reduction/Elimination" (Section 6). More specifically, he asked that we quantify our reductions. He recommended that we review this section in the DOJ plan. RIMS has done so and we have revised our plan accordingly. Before moving forward, we want to share this material with both the Office of the General Counsel and the Office of the Inspector General reviewed the initial plan.

Below is the hyperlink for the DOJ Plan. As this is an extensive document, it is helpful to know that the pertinent section is near the beginning (Section E.7 - "Backlog Reduction").

<http://www.usdoj.gov/04foia/ourplan.htm>

Our revisions are very similar to the DOJ plan, however, our format is consistent to what we used throughout the document. Please note that all of the revisions are in blue. For ease, the revision are located:
* Cover page
* Page 5
* Pages 10-11
* Page 13

The revised document is attached below:

<< File: ED FOIA PLAN (08.18.06).doc >>

Mr. Hendricks requested that our agency complete all revisions, renotify DOJ and OMB, and post the document on our website by September 12. He also requested that we amend our website to ensure that any user understands what section was revised and note the document accordingly. I assured him that we would comply.
If you agree with the proposed revisions, I will share it with Mr. Hendricks before the document is transmitted and posted.

If you have any questions, please contact me.

Lee

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623
Angela,

Here is the redrafted FOIA Plan (2006). Julian reviewed it for me yesterday. I have incorporated his comments.

Can you please review? Do you have time this am, as I would like to send it to Michell and Bob Eitel for review later today?

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623
Lee,  

Thanks much. Please let me know if you need my assistance.  

Make it a Great Day!!  

Michell Clark  
Assistant Secretary for Management  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337  

-----Original Message-----  
From: Eiden, Lee  
Sent: Thursday, August 17, 2006 10:38 AM  
To: Clark, Michell  
Cc: Aten, Nina; Anderson, Scott; Link, Steven; Arrington, Angela  
Subject: RE: Executive Order 13392  

Michell,  

Just got off the phone with Ken -- we had been playing telephone tag.  

I informed him that we have already downloaded and reviewed the "backlog" component of the DOJ plan and were currently in the process of revising our plan to include the quantification that DOJ has requested. We agreed that we (ED) will forward our proposed revision to him. Once approved, we will revise our plan. There are some remaining questions on how best to note these revisions on the ED FOIA website. I do feel confident that we will find a way to address his request.  

In addition, I agreed that we (ED) commit to the DOJ September 12 due date -- in fact, I told Ken that we intend to wrap this up within the next few days.  

I will keep you posted.  

Lee  

-----Original Message-----  
From: Clark, Michell  
Sent: Wednesday, August 16, 2006 2:53 PM  
To: Eiden, Lee  
Cc: Aten, Nina; Anderson, Scott; Link, Steven  
Subject: Executive Order 13392  

Lee,  

I received a call from Ken Hendricks, DOJ (202-514-0833) regarding our FOIA plan. He indicated that ED had the potential for a deficiency with regard to backlogs. The thing that is missing is that we did not quantify our reduction.
He recommended looking at the DOJ plan that is posted, in the OID section. He requested that we indicate to DOJ by 12 September what our measures would be or at least that we were working on the measures and when we expected to have them. Would you please give him a call to verify that I have the information correct and then get with me on our target reduction? Thanks.

Steven - please add to suspense list for 11 September. Thanks.

Make it a Great Day!!

Michell Clark
Assistant Secretary for Management
Department of Education
400 Maryland Ave., S.W.
Washington, D.C. 20202
(202) 260-7337
Lee, good morning.

Here is that section, in this e-mail. I can incorporate any revisions you'd like on Monday.

Thanks!

See you Monday. Heading out now. -- Tony

6. Backlog Reduction/Elimination

Improvement Steps
Tony Kendrick, SAIC Lead FOIA Specialist  
Regulatory Information Management Services  
Freedom of Information Act  
Department of Education  
Office: 202-245-6563; Fax: (202) 245-6623
Lee, Dianne, and Angela,

Please find attached the notes from the FOIA Plan implementation presentation that Tony gave on July 28.

Thank you,

Jennifer
Participants: presented by Tony Kendrick, attended by Lee Eiden, Angela Arrington, Dianne Novick, Jennifer Carter, and Jennifer El-Naggar.

General Overarching Comments (not specific to any particular improvement, sometimes affecting multiple improvements)

1. (b)(2),(b)(5)
2. 
3. 
4. 
5. 

Comments on Improvements

1. (b)(2),(b)(5)
2. 

Note: bold black text references slide titles from the 7/28 presentation. Blue bold text points out specific actionees and outcomes discussed in the meeting.
FOIA Plan Implementation
Results of Presentation and RIMS Discussion, July 28, 2006

(b)(2),(b)(5)

Note: bold black text references slide titles from the 7/28 presentation. Blue bold text points out specific actionees and outcomes discussed in the meeting.
FOIA Plan Implementation
Results of Presentation and RIMS Discussion, July 28, 2006

(b)(2),(b)(5)

13.

14.

15.

Note: bold black text references slide titles from the 7/28 presentation. Blue bold text points out specific actionees and outcomes discussed in the meeting.

10/16/2007 Prepared by RIMS
Folks,

The ED "FOIA Plan" was placed on the Department's FOIA website. It can be found in the "More Resources" information box:


Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623
Michell,

Per the requirements of the Presidential FOIA Executive Order, the ED "FOIA Plan" was placed on the Department's FOIA website. It can be found in the "More Resources" information box:


Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202 245 6454
Fax: 202 245 6623
Nonresponsive

From: Eiden, Lee
Sent: Monday, June 19, 2006 2:10 PM
To: Novak, Dianne; Carpentier, Julian
Cc: EI-Naggar, Jennifer (Contractor); Carter, Jennifer (Contractor)
Subject: FW: ...FW: Changes to FOIA Page

Sorry, I forwarded this to Angela and Stephanie but forgot you.
Lee

-----Original Message-----
From: Jabarei, Calik
Sent: Monday, June 19, 2006 1:48 PM
To: Eiden, Lee; Aten, Nina
Cc: Jabarei, Calik
Subject: ...FW: Changes to FOIA Page

Lee and Nina...
The OM WEBMASTER will be taking care of this today.

(b)(6)
Calik

-----Original Message-----
From: Jagessar, Kara (Contractor)
Sent: Monday, June 19, 2006 1:44 PM
To: Jabarei, Calik; Hamsher, Susan (Contractor)
Cc: Shin, Kevin (Contractor); Bu-cir-mark (E-mail)
Subject: RE: I WAS OUT SICK FOLKS...FW: Changes to FOIA Page

Calik,
I must have accidentally overlooked and deleted Stephanie's original email. This is something I can do now. I will get on it immediately and let you know once it's been updated on ed.gov. Thanks

Kara

-----Original Message-----
From: Jabarei, Calik
Sent: Monday, June 19, 2006 1:31 PM
To: Jagessar, Kara (Contractor); Hamsher, Susan (Contractor)
Cc: Shin, Kevin (Contractor); Bu-cir-mark (E-mail); Jabarei, Calik
Subject: I WAS OUT SICK FOLKS...FW: Changes to FOIA Page
Importance: High

What do you know about this Kara?
I have no report on the outcome from You or Susan...
Communicate Please...Cj

-----Original Message-----
From: Eiden, Lee
Sent: Thursday, June 15, 2006 11:53 AM
To: Jabarei, Calik
Cc: Aten, Nina
Subject: FW: Changes to FOIA Page
Importance: High

Calik,
Can you please assist us in expediting this request (see below). I understand that your contractor is short-handed; however, is there a way that you can secure support in having this posting completed. The Department was required by a Presidential Executive Order to post its "FOIA Plan" on June 14th concurrent with the transmittal to OMB and the Department of Justice.

We appreciate your help and if you have any questions, please contact me. Thanks.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
500 12th Street, SW, Washington, DC 20202
Telephone: 202 245 8454
Fax: 202 245 0623

--- Original Message ---
From: Valentine, Stephanie
Sent: Tuesday, June 13, 2006 11:52 AM
To: Jagessar, Kara (Contractor)
Subject: Changes to FOIA Page
Importance: High

We need to post the department’s FOIA Plan on the website by June 14. A PDF version of the file is attached to this note. We would like to post the plan in the More Resources section of the website at this link: http://www.ed.gov/policy/gen/leg/foiafoiatoc.html

If it is not feasible to add the document there, we would like to add some additional language and post the document in Word and PDF before the "Making a Request" section of the same page. I will forward another e-mail with that language.

See below:

On the Main FOIA page, between the section "ABOUT FOIA" and "Making Requests" -- the following section should be inserted:

FOIA Plan

On December 14, 2005, the President issued Executive Order 13392, "Improving Agency Disclosure of Information." In the Order, the President directed each agency to conduct a review of its FOIA operations and prepare a plan for improving them. This plan includes concrete milestones with specific timetables and outcomes to be achieved by the Department of Education in FY 2006 and FY 2007. As required in the Order, it is posted below:

- ED FOIA Plan (Word)
- ED FOIA Plan (PDF)

If you have any questions, please let me know.

Stephanie Valentine
245-6610

On the Main FOIA page, between the section "ABOUT FOIA" and "Making Requests" -- the following section should be inserted:

FOIA Plan

On December 14, 2005, the President issued Executive Order 13392, "Improving Agency Disclosure of Information." In the Order, the President directed each agency to conduct a review of its FOIA operations and prepare a plan for improving them. This plan includes concrete milestones with specific timetables and outcomes to be achieved by the Department of Education in FY 2006 and FY 2007. As required in the Order, it is posted below:

-----Original Message-----
From: Valentine, Stephanie
Sent: Tuesday, June 13, 2006 11:52 AM
To: Eiden, Lee
Subject: Language for ED's FOIA Plan

Please provide the language for the FOIA Plan documents.

Thanks,
Stephanie
Folks,

Although, I provided several of you with a hard copy of this document, I also wanted to share the electronic version that was transmitted to OMB and the Department of Justice last Friday.

Just as it is a commitment to the OMB and DOJ, it is also a commitment by us (RIMS) to the Department.

Please read it. It is not very long and it does provide very specific improvements with measurements and timelines. Next year, we will once again be required to report on our progress. And, since this "Plan" is a cross-cutting issue, the "Policy and Standards" team will be responsible for orchestrating our reporting in concert with the the "Case Management" team.

Thanks to all of you, RIMS staff and contractors, who participated in the planning and preparation of this very successful document.

Lee

-----Original Message-----
Sent: Friday, June 09, 2006 2:23 PM
To: 'Pamela.A.Maida@usdoj.gov', 'FOIAreporting@omb.eop.gov'
Subject: FOIA Plan for ED

Honorable Alberto R. Gonzales
Attorney General
Department of Justice

Honorable Rob Portman
Director
Office of Management and Budget

Dear Messrs. Gonzales and Portman:

As the Department of Education’s (ED) Chief FOIA Officer, I am pleased to transmit to you our agency’s FOIA Plan as required by Executive Order 13,392. This document conveys our review of ED’s FOIA operations with specific improvements and concrete milestones for FY 2006 and FY 2007.

Concurrent with this transmittal, we are in the process of posting this report on the Department of Education’s FOIA website.
If you have any questions, or wish additional information concerning any component comprising this report, please contact Leo Eiden of my staff (202) 245-6454.

Sincerely,

Michele Clark
Assistant Secretary for Management and Acting Chief Information Officer
Stephanie,

During our Tuesday (June 13) meeting on web name changes, I also want to be sure that we address the posting of this "FOIA Plan" on the FOIA website. I am not sure how others think about it; however, I think it would look good in the "Resources" box.

I just want to be sure that it is posted as a "Word" and "pdf" file on June 14.

Lee

-----Original Message-----
From: Aten, Nina
Sent: Friday, June 09, 2006 2:23 PM
To: 'Pamela.A.Maida@usdoj.gov'; 'FOIAreporting@omb.eop.gov'
Cc: Eiden, Lee; Arrington, Angela; Kaplan, James; Clark, Michell; Anderson, Scott
Subject: FOIA Plan for ED

Honorable Alberto R. Gonzales
Attorney General
Department of Justice

Honorable Rob Portman
Director
Office of Management and Budget

Dear Messrs. Gonzales and Portman:

As the Department of Education’s (ED) Chief FOIA Officer, I am pleased to transmit to you our agency’s FOIA Plan as required by Executive Order 13,392. This document conveys our review of ED’s FOIA operations with specific improvements and concrete milestones for FY 2006 and FY 2007.

Concurrent with this transmittal, we are in the process of posting this report on the Department of Education’s FOIA website.

If you have any questions, or wish additional information concerning any component comprising this report, please contact Leo Eiden of my staff (202) 245-6454.

Sincerely,

Michell Clark
Assistant Secretary for Management and Acting Chief Information Officer
Nina,

(b)(5)

Regulatory Information Management Services (RIMS) is particularly pleased with the expeditious clearance. Although, it has taken a number of people long hours and very focused attention, the end product positively reflects upon the Department's thoughtful and responsive efforts. In addition, it is ready for transmittal in advance of the June 14th due date.

Based upon guidance provided by OMB in the December 30, 2005 memo (M-06-04) "Implementation of the President's Executive Order 'Improving Agency Disclosure of Information,'" this report should be electronically sent to OMB and DOJ. This same guidance was provided by the DOJ in the "FOIA Post" (see immediately below). I have included this specific information as it provides the email addresses for this purpose.

Conclusion
In sum, all federal agencies should pay careful attention to the requirements of Executive Order 13,392, as further explicated in this guidance, as they continue to conduct their FOIA reviews and prepare their improvement plans for submission by no later than June 14. (25)

25See Exec. Order No. 13,392, Sec. 3(c)(i) (requiring submission "to the Attorney General and the OMB Director" by this date).

These submissions can be made to the Attorney General by electronic transmission to OIP at the following e-mail address: Pamela.A.Maida@usdoj.gov. They can be made to the Director of OMB at FOIAreporting@omb.eop.gov.

Once the plan is formally transmitted, RIMS will post it on the ED FOIA website as specified in the Executive Order.

If you or the Assistant Secretary have any questions, please contact me.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623

Honorable Alberto R. Gonzales  
Attorney General  
Department of Justice

Honorable Rob Portman  
Director  
Office of Management and Budget

Dear Messrs. Gonzales and Portman:

As the Department of Education's (ED) Chief FOIA Officer, I am pleased to transmit to you our agency's FOIA Plan as required by Executive Order 13,392. This document conveys our review of ED's FOIA operations with specific improvements and concrete milestones for FY 2006 and FY 2007.

Concurrent with this transmittal, we are in the process of posting this report on the Department of Education's FOIA website.

If you have any questions, or wish additional information concerning any component comprising this report, please contact Leo Eiden of my staff (202) 245-6454.

Sincerely,

Michell Clark  
Assistant Secretary for Management  
and Acting Chief Information Officer

Attachment
From: Eiden, Lee
Sent: Friday, June 09, 2006 12:02 PM
To: Eitel, Robert S.; Goodridge, Marcella
Cc: Aten, Nina; Arrington, Angela
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Thanks for your quick response. We shall move ahead with sending the document to the Assistant Secretary for his transmittal to OMB and DOJ.

(b)(6)

Lee

-----Original Message-----
From: Eitel, Robert S.
Sent: Friday, June 09, 2006 11:59 AM
To: Eiden, Lee; Goodridge, Marcella
Cc: Aten, Nina; Arrington, Angela
Subject: RE: ED FOIA Plan (FY 2006) - For Review

This is certainly legally sufficient. I do not have other changes.

-----Original Message-----
From: Eiden, Lee
Sent: Friday, June 09, 2006 11:40 AM
To: Eitel, Robert S.; Goodridge, Marcella
Cc: Aten, Nina; Arrington, Angela
Subject: RE: ED FOIA Plan (FY 2006) - For Review
Importance: High

Bob and Marcella,

Just as in our earlier response, I will respond directly below each of Marcella’s questions/comments. In addition, I have appended the revised document (with today’s date) just below Marcella’s note. If there are no remaining issues, we will forward the document to Nina for transmittal later this afternoon.

If you need anything else, please let me know.

Thanks again.

Lee

-----Original Message-----
From: Eitel, Robert S.
Sent: Thursday, June 08, 2006 2:14 PM
To: Eiden, Lee; Aten, Nina; Arrington, Angela
Subject: FW: ED FOIA Plan (FY 2006) - For Review

Lee, Nina and Angela:

Here are Marcella Goodridge’s comments on the FOIA Plan.

Bob
Hi Bob.

Here are my comments:

(b)(5)
Let me know if you have any questions.

Marcella

<< File: ED FOIA PLAN (06.09.06).doc >>

-----Original Message-----
From: Eiden, Lee
Sent: Wednesday, June 07, 2006 3:31 PM
To: Aten, Nina
Cc: Eitel, Robert S.; Arrington, Angela
Subject: ED FOIA Plan (FY 2006) - For Review
Importance: High

Nina,

RIMS has completed the Department's "FOIA Plan (FY 2006)." It is now ready for review and transmittal to OMB by June 14, 2006.

<< File: FOIA ANNUAL PLAN (06.07.06).doc >>

Per our earlier commitment, with this email, I am also separately sending a copy to Bob Eitel (OGC), who has offered to review the document. I understand that you will handle the transmittal to the Exec Sec.

It is helpful to provide some background information and furnish a more comprehensive explanation of the attachments.

The incoming request from OMB (former Director Bolten) was controlled by OS Exec Sec - number 06-007672. A copy of the entire document is in the attached pdf file.
It is important to note that the initial "FOIA Post" template did not come from DOJ until April 27th and DOJ "Open House" which offered that agency's draft plan as guidance was provided that past Monday, June 5th. For your information, we have attached the DOJ draft plan. This will provide reviewers an opportunity to view DOJ's proposal.

If you have any questions, please contact me.

Once reviewed and approved, we will provide you with the transmittal document to OMB from the Assistant Secretary.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623
I am out of the office tomorrow so I didn't want to hold up the progress... As you requested Lee attached are my comments, I hope they are helpful...

Jon

-----Original Message-----
From: Eiden, Lee
Sent: Thursday, June 08, 2006 3:18 PM
To: Carpentier, Julian; Carter, Jennifer (Contractor)
Cc: Arrington, Angela; Novick, Dianne
Subject: FW: ED FOIA Plan (FY 2006) - For Review

Julian and Jennifer,

Here are some additional comments from OGC (Marcella). I already spoke to Nina and Angela about these. We are going to wait until tomorrow to prepare our RIMS response; although, we do have to respond tomorrow as both Bob Eitel and Marcella will be out after tomorrow.

Why don't you each jot down some information to help in constructing a response and when Angela returns tomorrow, we can construct our RIMS response.

Thanks.

Lee

-----Original Message-----
From: Eitel, Robert S.
Sent: Thursday, June 08, 2006 2:14 PM
To: Eiden, Lee; Aten, Nina; Arrington, Angela
Subject: FW: ED FOIA Plan (FY 2006) - For Review

Lee, Nina and Angela:

Here are Marcella Goodridge's comments on the FOIA Plan.

Bob

-----Original Message-----
From: Goodridge, Marcella
Sent: Thursday, June 08, 2006 12:17 PM
To: Eitel, Robert S.
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Hi Bob.

Here are my comments:

(b)(5)
Let me know if you have any questions.

Marcella

-----Original Message-----
From: Eiden, Lee
Sent: Wednesday, June 07, 2006 3:31 PM
To: Aten, Nina
Cc: Eitel, Robert S.; Arrington, Angela
Subject: ED FOIA Plan (FY 2006) - For Review

Nina,

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«File: DOJ FOIA Exec Order Plan.6-5-06.PDF »

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Once reviewed and approved, we will provide you with the transmittal document to OMB from the Assistant Secretary.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
   Telephone: 202.245.6454
   Fax:     202.245.6623
Thank you very much. We appreciate your responsiveness.

Mary

-----Original Message-----
From: Eiden, Lee
Sent: Thursday, June 08, 2006 2:55 PM
To: Mitchelson, Mary; Aten, Nina
Cc: Porter, Tara; Eason, Chaun; Shepherd, Shelley; Sorensen, Howard; Arrington, Angela
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Mary and Nina,

We (RIMS) have made the following changes to the "ED FOIA Plan (FY 2006)" based upon the OIG comments/suggestions --

<< File: ED FOIA PLAN (06.08.06).doc >>

Here are specific responses:

(b)(5)

If you have any additional questions, please contact me.

Thanks.

Lee
FYI

From: Mitchelson, Mary
Sent: Thursday, June 08, 2006 1:12 PM
To: Aten, Nina
Cc: Porter, Tara; Eason, Chaun; Shepherd, Shelley; Sorensen, Howard
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Nina,

Thanks for giving us a chance to review this. Here are our few comments:

(b)(5)

Please call me if you would like to discuss.

Thanks, Mary

Mary Mitchelson
Counsel to the Inspector General
Department of Education
550 12th Street, S.W., Rm. 8093
Washington, D.C. 20024
202-245-6987
mary.mitchelson@ed.gov

-----Original Message-----
From: Aten, Nina
Sent: Wednesday, June 07, 2006 4:02 PM
To: Mitchelson, Mary
Cc: Eiden, Lee; Eitel, Robert S.; Fenwick, Beverly; Bryant, Annora; Porter, Tara
Subject: FW: ED FOIA Plan (FY 2006) - For Review
Importance: High
Mary,

Per your request to Exec Sec, please see the attached draft FOIA plan. We would like to be able to submit to OMB by the end of this week, if possible. How much time does OIG need to provide comments? Thanks.

Nina

From: Eiden, Lee
Sent: Wednesday, June 07, 2006 3:31 PM
To: Aten, Nina
Cc: Eitel, Robert S.; Arrington, Angela
Subject: ED FOIA Plan (FY 2006) - For Review
Importance: High

Nina,

RIMS has completed the Department's "FOIA Plan (FY 2006)." It is now ready for review and transmittal to OMB by June 14, 2006.

<< File: FOIA ANNUAL PLAN (06.07.06).doc >>

Per our earlier commitment, with this email, I am also separately sending a copy to Bob Eitel (OGC), who has offered to review the document. I understand that you will handle the transmittal to the Exec Sec.

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<< File: DOJ FOIA Exec Order Plan.6-5-06.PDF >>

If you have any questions, please contact me.

Once reviewed and approved, we will provide you with the transmittal document to OMB from the Assistant Secretary.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623
That should be it.

-----Original Message-----
From: Aten, Nina
Sent: Thursday, June 08, 2006 2:18 PM
To: Eitel, Robert S.; Eiden, Lee; Arrington, Angela
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Bob,

Are Marcella's comments the final OGC comments or should we expect more? Thanks.

Nina

---

From: Eitel, Robert S.
Sent: Thursday, June 08, 2006 2:14 PM
To: Eiden, Lee; Aten, Nina; Arrington, Angela
Subject: FW: ED FOIA Plan (FY 2006) - For Review

Lee, Nina and Angela:

Here are Marcella Goodridge's comments on the FOIA Plan.

Bob

-----Original Message-----
From: Goodridge, Marcella
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To: Eitel, Robert S.
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Hi Bob.

Here are my comments:

(b)(5)
Let me know if you have any questions.

Marcella

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From: Eiden, Lee
Sent: Wednesday, June 07, 2006 3:31 PM
To: Aten, Nina
Cc: Eitel, Robert S.; Arrington, Angela
Subject: ED FOIA Plan (FY 2006) - For Review
Importance: High

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U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623
FYI

From: Mitchelson, Mary
Sent: Thursday, June 08, 2006 1:12 PM
To: Aten, Nina
Cc: Porter, Tara; Eason, Chaun; Shepherd, Shelley; Sorensen, Howard
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Nina,

Thanks for giving us a chance to review this. Here are our few comments:

(b)(5)

Please call me if you would like to discuss.

Thanks, Mary

Mary Mitchelson
Counsel to the Inspector General
Department of Education
550 12th Street, S.W., Rm. 8093
Washington, D.C. 20024
202-245-6987
mary.mitchelson@ed.gov

-----Original Message-----
From: Aten, Nina
Sent: Wednesday, June 07, 2006 4:02 PM
To: Mitchelson, Mary
Cc: Eiden, Lee; Eitel, Robert S.; Fenwick, Beverly; Bryant, Annora; Porter, Tara
Subject: FW: ED FOIA Plan (FY 2006) - For Review
Importance: High

Mary,

Per your request to Exec Sec, please see the attached draft FOIA plan. We would like to be able to submit to OMB by the end of this week, if possible. How much time does OIG need to provide comments? Thanks.

Nina
Nina,

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Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623
Bob,

Thanks so much for the incredibly rapid turnaround. I just got out of an all morning OM Strategic Planning session, so this is the first moment that I have to respond. For ease, I will respond directly below each of your questions/comments.

If you need anything else, please let me know.

Thanks again.

Lee

-----Original Message-----
From: Eitel, Robert S.
Sent: Thursday, June 08, 2006 10:22 AM
To: Eiden, Lee; Aten, Nina; Arrington, Angela
Cc: Talbert, Kent; Wexler, Rob
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Lee, Nina, and Angela:

I have reviewed the FOIA Plan, and I have only a few questions or comments about it. (They concern policy more than law).

First, in the first paragraph on page 1, the Plan refers to OCR and states that “this preview and implementation plan proposes to delegate responsive authority to each of 12 OCR Regional Directors.” Given that Federal Student Aid has regional offices, is there any intention to do the same for FSA?

RESPONSE: At the moment, we do not anticipate delegating a similar authority to the FSA regional offices for the following reason -- it is OCR policy that individual requests are handled within each region. The likely rationale behind this policy is that about 30% of ED’s FOIA requests come to the OCR regions. On the other hand, a far fewer number go to the FSA regions and those are more efficiently handled by FSA headquarters.

Second, in the last paragraph on page 6, the Plan indicates that ED will “identify records that are likely to be of news media interest so that they can be made available in advance of a request through public affairs channels.” Is there any plan to post proactively any such records on the web? I would approach web posting of such controversial items with great caution.

RESPONSE: We totally concur. Our recommendation is to initiate conversations with the Office of Communications and Outreach (OCO) to solicit their guidance on how this could best work.

In another vein, I have not received any FOIA Monthly Reports or Appeal Reports for a couple of months. Does RIMS plan to continue with these? I think that they are valuable and certainly help me to monitor OGC’s FOIA efforts. You also might want to reference this monthly reporting cycle in the Plan. I know that the monthly reporting is a valuable but time-consuming task. OM/RIMS ought to take credit for it.

RESPONSE: I was not aware that you had received them in the past and will personally make sure that you are on the RIMS distribution for both reports now and in the future.
Thanks for allowing OGC to review the Plan.

Bob

-----Original Message-----
From: Eiden, Lee
Sent: Wednesday, June 07, 2006 3:31 PM
To: Aten, Nina
Cc: Eitel, Robert S.; Arrington, Angela
Subject: ED FOIA Plan (FY 2006) - For Review
Importance: High

Nina,

RIMS has completed the Department's "FOIA Plan (FY 2006)." It is now ready for review and transmittal to OMB by June 14, 2006.

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If you have any questions, please contact me.

Once reviewed and approved, we will provide you with the transmittal document to OMB from the Assistant Secretary.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
   Telephone: 202.245.6454
   Fax: 202.245.6623

From: Eiden, Lee
Sent: Monday, October 01, 2007 11:16 AM
To: Kendrick, Tony (Contractor)
Subject: FW: ED FOIA Plan (FY 2006) - For Review
From: Eiden, Lee  
Sent: Wednesday, June 07, 2006 4:18 PM  
To: Arrington, Angela; Novick, Dianne  
Cc: Carpentier, Julian  
Subject: FW: FOIA Review and Implementation Plan (Status)

Just to sum up, it appears that we will receive OGC and OIG's comments tomorrow.

Lee

-----Original Message-----
From: Eitel, Robert S.  
Sent: Wednesday, June 07, 2006 4:08 PM  
To: Eiden, Lee  
Cc: Clark, Michell; Aten, Nina  
Subject: RE: FOIA Review and Implementation Plan (Status)

Thanks. I will get OGC's comments to you tomorrow.

-----Original Message-----
From: Eiden, Lee  
Sent: Wednesday, June 07, 2006 3:31 PM  
To: Eitel, Robert S.  
Cc: Clark, Michell; Aten, Nina  
Subject: RE: FOIA Review and Implementation Plan (Status)

Robert,
Just sent it you -- via an email to Nina

-----Original Message-----
From: Eitel, Robert S.  
Sent: Wednesday, June 07, 2006 2:18 PM  
To: Eiden, Lee  
Cc: Clark, Michell; Aten, Nina  
Subject: RE: FOIA Review and Implementation Plan (Status)

Lee:

Is this ready for my review? I just need to get to it as I am out of town next week.

-----Original Message-----
From: Eiden, Lee  
Sent: Friday, June 02, 2006 3:50 PM  
To: Eitel, Robert S.  
Cc: Clark, Michell; Aten, Nina  
Subject: FOIA Review and Implementation Plan (Status)

Bob,

I wanted to update you with our progress on the "FOIA Review and Implementation Plan" for DOJ.

RIMS is completing our final re-writes, editorial reviews, and verification of content/structure with "FOIA Post" (DOJ) instructions. We will forward it to you for review by noon on June 7th (Wednesday). We will concurrently forward it to Exec Sec to address the "controlled" status of this request.
Thought an update would be helpful to you.

If you have any questions, please contact me.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623
Folks,
I wanted to share this with you, so you know what is going on.
Lee

-----Original Message-----
From: Mitchelson, Mary
Sent: Wednesday, June 07, 2006 4:06 PM
To: Aten, Nina
Cc: Eiden, Lee; Eitel, Robert S.; Fenwick, Beverly; Bryant, Annora; Porter, Tara
Subject: RE: ED FOIA Plan (FY 2006) - For Review

Nina,
We'll try to get back to you tomorrow. Thanks for sharing this with us.
Mary

-----Original Message-----
From: Aten, Nina
Sent: Wednesday, June 07, 2006 4:02 PM
To: Mitchelson, Mary
Cc: Eiden, Lee; Eitel, Robert S.; Fenwick, Beverly; Bryant, Annora; Porter, Tara
Subject: FW: ED FOIA Plan (FY 2006) - For Review
Importance: High

Mary,

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Once reviewed and approved, we will provide you with the transmittal document to OMB from the Assistant Secretary.

Lee

Lee Eiden
Acting Director
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U.S. Department of Education
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From: Eiden, Lee
Sent: Wednesday, June 07, 2006 3:31 PM
To: Eitel, Robert S.
Cc: Clark, Michell; Aten, Nina
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Bob,
Just sent it you -- via an email to Nina

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Cc: Clark, Michell; Aten, Nina
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Lee:
Is this ready for my review? I just need to get to it as I am out of town next week.

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Cc: Clark, Michell; Aten, Nina
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Cc: Clark, Michell; Aten, Nina
Subject: RE: FOIA Review and Implementation Plan (Status)
Importance: High

Bob,
Just sent it you -- via an email to Nina

-----Original Message-----
From: Eitel, Robert S.
Sent: Wednesday, June 07, 2006 2:18 PM
To: Eiden, Lee
Cc: Clark, Michell; Aten, Nina
Subject: RE: FOIA Review and Implementation Plan (Status)

Lee:

Is this ready for my review? I just need to get to it as I am out of town next week.

-----Original Message-----
From: Eiden, Lee
Sent: Friday, June 02, 2006 3:50 PM
To: Eitel, Robert S.
Cc: Clark, Michell; Aten, Nina
Subject: FOIA Review and Implementation Plan (Status)

Bob,

I wanted to update you with our progress on the "FOIA Review and Implementation Plan" for DOJ.

RIMS is completing our final re-writes, editorial reviews, and verification of content/structure with "FOIA Post" (DOJ) instructions. We will forward it to you for review by noon on June 7th (Wednesday). We will concurrently forward it to Exec Sec to address the "controlled" status of this request.

Thought an update would be helpful to you.

If you have any questions, please contact me.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623
Nina,

RIMS has completed the Department's "FOIA Plan (FY 2006)." It is now ready for review and transmittal to OMB by June 14, 2006.

Per our earlier commitment, with this email, I am also separately sending a copy to Bob Eitel (OGC), who has offered to review the document. I understand that you will handle the transmittal to the Exec Sec.

It is helpful to provide some background information and furnish a more comprehensive explanation of the attachments.

The incoming request from OMB (former Director Bolten) was controlled by OS Exec Sec - number 06-007672. A copy of the entire document is in the attached pdf file.

It is important to note that the initial "FOIA Post" template did not come from DOJ until April 27th and DOJ "Open House" which offered that agency's draft plan as guidance was provided that past Monday, June 5th. For your information, we have attached the DOJ draft plan. This will provide reviewers an opportunity to view DOJ's proposal.

If you have any questions, please contact me.

Once reviewed and approved, we will provide you with the transmittal document to OMB from the Assistant Secretary.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623
ROUTE: Name, office symbol, room number, building, Agency/Post)

1. Angela Arrington
2. Keith Berger
3. Michell Clark
4.
5.

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Remarks: Action Required By: May 23, 2006

Subject: Forwards a Memorandum, “Follow-Up Memorandum on Implementation of the President’s Executive Order “Improving Agency Disclosure of Information (Response requested by June 14, 2006)
OM Control Number: 4207
Exec Sec Control #: 06-007672

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, And similar actions

FROM: (Name, org, symbol, Agency/Post) Room No.-Bldg.
Beverly L. Fenwick 2W219
Phone No. 401-9551
Office of the Secretary
U.S. Department of Education
Control Document

Control #: 06-007672
Due Date: 05/24/2006
Document Type: Office of the Secretary Key
Signature: Senior Officer's signature
Correspondence
Event Date:

Writer:
Joshua B. Bolten
Director
Office of Management and Budget
Washington DC 20503

Subject: FORWARDS A MEMORANDUM, "FOLLOW-UP MEMORANDUM ON IMPLEMENTATION OF THE PRESIDENT'S EXECUTIVE ORDER IMPROVING AGENCY DISCLOSURE OF INFORMATION (RESPONSE REQUESTED BY JUNE 14, 2006)

Notes: FYI to Ray Simon, David Dunn, Robin Gilchrist, Angela Landers, OGC, ES-AB

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Related Control Numbers: 06-000511
OBO:

Questions about control mail or drafting letters? Check out Exec Sec's Web site: http://connected.ed.gov/po/execsec/index.html
Keyer: EDOAR.MAYES
POC File Code:  
Reader: EDGAR.MAYES
Dianne,

I have narrowed the list of areas selected for review to 8. They are:

1. Affirmative Disclosure under subsection (a)(2)
2. Proactive Disclosure of information
3. Overall Web site improvement
4. Automated processing – Electronic FOIA
5. Multi-track processing
6. Backlog reduction/elimination
7. Improvement ideas from field office personnel
8. Additional training needed

Angela Arrington
Department Of Education - OM
550 12th St. SW - Room 9156
Washington, DC 20004
work (202) 245-6409
Bob,

Thanks much. We appreciate your willingness to help and your expertise.

Lee

-----Original Message-----
From: Eitel, Robert S.
Sent: Friday, June 02, 2006 4:51 PM
To: Eiden, Lee
Cc: Clark, Michell; Aten, Nina
Subject: RE: FOIA Review and Implementation Plan (Status)

Thanks, Lee. I'll look forward to it and turn around any comments by the time I leave for leave cob on June 9.

-----Original Message-----
From: Eiden, Lee
Sent: Friday, June 02, 2006 3:50 PM
To: Eitel, Robert S.
Cc: Clark, Michell; Aten, Nina
Subject: FOIA Review and Implementation Plan (Status)

Bob,

I wanted to update you with our progress on the "FOIA Review and Implementation Plan" for DOJ.

RIMS is completing our final re-writes, editorial reviews, and verification of content/structure with "FOIA Post" (DOJ) instructions. We will forward it to you for review by noon on June 7th (Wednesday). We will concurrently forward it to Exec Sec to address the "controlled" status of this request.

Thought an update would be helpful to you.

If you have any questions, please contact me.

Lee

Lee Eiden
Acting Director
Regulatory Information Management Services
Office of Management
U.S. Department of Education
Room 9149 - Potomac Center Plaza
550 12th Street, SW, Washington, DC 20202
Telephone: 202.245.6454
Fax: 202.245.6623
From: Eiden, Lee  
Sent: Friday, June 02, 2006 3:50 PM  
To: Eitel, Robert S.  
Cc: Clark, Michelle; Aten, Nina  
Subject: FOIA Review and Implementation Plan (Status)  

Bob,  

I wanted to update you with our progress on the "FOIA Review and Implementation Plan" for DOJ.  

RIMS is completing our final re-writes, editorial reviews, and verification of content/structure with "FOIA Post" (DOJ) instructions. We will forward it to you for review by noon on June 7th (Wednesday). We will concurrently forward it to Exec Sec to address the "controlled" status of this request.  

Thought an update would be helpful to you.  

If you have any questions, please contact me.  

Lee  

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623
Angela,

I know we are down to the wire with the final drafting of the EO response. I understand that you will be meeting at 9 this morning with the team to pull everyone's comments together and make the last series of changes.

Please consider calling (b)(6) when you have that meeting and having everyone email their track changes to her. If she can participate in the meeting, she can consolidate comments into a master document and then do a cursory technical edit (b) and I spoke last night, and she thinks she will be able to get through a 30+ page document and have it ready at start of business on Monday.

I highly recommend her support (b)(6)

attaching the version of the document that Jennifer pulled together last week to get more up-to-speed, you can go the FOIA area of the Department of Justice web site to find there guidance/template.

Thank you,
Jennifer
Hello everyone:

Attached is the cross-cut copy of the EO response due today COB. Please be advised that track changes are still visible and Julian will need to format, check milestones throughout document (Section G) and all changes made during my review.

Here is a breakdown of what I have done:

I reviewed and incorporated findings, recommendations and language from the following into this response:
1) FOIA In-House Consultants Recommendations
2) FOIA Executive Order Side-by-Side Comparison
3) FOIA E.O. Guidance from DoJ (January 2006)
4) ED FOIA E.O. Response to OMB (January 2006)
5) OM-RIMS 2006-2008 Strategic Plan
6) Response to DOJ in Annual Report 2005

I have filled in all the responses to areas that were missing stuff as directed below

By taking the language from all of these formal documents, I believe that the FOIA office is telling a story to everyone that is congruent. Everything in this response touches previous responses to DOJ, prior recommendations that can be improved upon still, and a forward thinking strategic plan.

Enjoy your reading...I went from 19 pages to 25 just today alone...

Forever FOIA,

Jen

-----Original Message-----
From: Carpentier, Julian
Sent: Thursday, May 25, 2006 5:20 PM
To: El-Naggar, Jennifer (Contractor); Carter, Jennifer (Contractor)
Cc: Arrington, Angela
Subject: First pass-off of Master Exec. Order Plan

El-Naggar/Carter:
Alright, time for the first pass-off. Attached is the updated Master version of the Exec. Order Plan. I incorporated language from all participating FOIA staff (including my sections), did some additional formatting, and made minor edits throughout the Plan. The following areas still need to be addressed:

* Areas Selected for Review (list) -- Required
* Results of Review (narrative) -- Required

Improvement Areas
* Automated tracking capabilities: statement, measurements
* Electronic FOIA - automated processing: milestones
* Electronic FOIA - receiving/responding to requests electronically: measurements
* Expedited processing: statement
* Forms of communication with requesters: statement, steps, milestones, measurements
* Process by which necessary cooperation is obtained from agency "program personnel": statement, steps, milestones, measurements
* Additional training needed: milestones, measurements
* In-house training on "safeguarding label"/FOIA exemption distinctions: steps, milestones, measurements
* Hiring of contract employees: statement, milestones, measurements

Areas to be considered
* (b)(5)

If you guys aren't able to come up with anything for the above improvement areas and areas to be considered, just remove them from the Plan (per Angela). Keep in mind if you add additional milestones, they need to be reflected in Section G. (Improvement Area Time Periods) as well. The next pass-off will be to Lee for his review beginning on Tuesday.

<< File: DRAFT FOIA Improvement Plan Master Copy 052506.doc >>

Julian B. Carpentier
Management and Program Analyst
U.S. Department of Education
Office of Management
550 12th St. SW
Washington, DC 20202
julian.carpentier@ed.gov
From: Jessup, Bennie
Sent: Thursday, May 25, 2006 4:32 PM
To: Carpentier, Julian
Subject: FW: CORRECTION: FOIA Exec. Order Improvement Plan

-----Original Message-----
From: Jessup, Bennie
Sent: Wednesday, May 24, 2006 6:49 PM
To: Carpentier, Julian
Cc: Arrington, Angela
Subject: FOIA Exec. Order Improvement Plan

(b)(2) and (b)(5) letters. It is important that acknowledgement letters are sent within 24-48 hours. This is done quickly in order that the FOIA requesters are aware of the status of their pending requests, both responsively and proactively. Acknowledgment letters are a vital tool that help communicate not only to the requestor but to the FOIA Service Representatives as well. FOIA Acknowledgements are promptly done to make clear to requesters what they can expect regarding their requests.

Status Checks are done electronically as a means of communication with requesters and the Principal office FOIA Coordinators. To monitor and follow-up on FOIA requests that are frequently handled on a daily basis. A major theme of communicating with FOIA requesters and to ascertain the status of responsive documents.
From: Carter, Jennifer (Contractor)
Sent: Thursday, May 25, 2006 3:04 PM
To: Mullan, Kate (Contractor)
Cc: Carpentier, Julian
Subject: RE: Executive order

---Original Message---
From: Mullan, Kate (Contractor)
Sent: Wednesday, May 24, 2006 3:33 PM
To: Carter, Jennifer (Contractor)
Subject: RE: Executive order

<< File: EO 9.doc >>
Can you copy me when you forward to Julian?

Thank you,
Kate

---Original Message---
From: Carter, Jennifer (Contractor)
Sent: Wednesday, May 24, 2006 1:29 PM
To: Mullan, Kate (Contractor)
Subject: Executive order

Hi Kate,
I have reviewed your write up. Can you take the bottom section and put that in a 3-4 sentence paragraph describing this office's efforts to QC data and stop the progression of errors. It would be as if you were giving a description to someone in 4 sentences or less.
Thanks,
Jen
Troubleshooting with any existing problems with existing request tracking:

the process of troubleshooting must be to establish a standardized, repeatable request tracking process. Each incoming FOIA request needs to be reviewed and a determination made as to whether or not it contains all of the required information. FOIAXpress, DoED’s automated tracking system is very intuitive and user friendly with a logical system for entering information into a windows style outward facing GUI. Even with this step-by-step process in place, human error has continuously persisted during the initial login phase. A Quality Control (QC) program has been implemented to create a reliable and accountable data system.

Some examples of the Department of Education’s QC components within the program are: error free spelling in first name, last name, and organization, correct title to each requestor, identify “key” word(s) in description and be consistent (link availability) is crucial, spelling error free in description, no abbreviation, and use capital letters with all pronouns (description field needs to be very specific with only the mainstream and the merit of a FOIA request without wondering off from the main point). Review of input information to check for an accurate and functional mailing address and telephone number for correspondence is imperative. In addition to the previously stated, a review of FOIAXpress for correct FOIA request category, action office, request type, received mode, select accurate priority, and fee charge agreement from the requestor are vital.
From: Jessup, Bennie
Sent: Wednesday, May 24, 2006 6:49 PM
To: Carpentier, Julian
Cc: Arrington, Angela
Subject: FOIA Exec. Order Improvement Plan

It is important for acknowledgement letters to be done within 24-48 hours. This is done quickly in order that the FOIA requesters are aware of the status of their pending requests, both responsively and proactively. Acknowledgment letters are a vital tool that help communicate not only to the requestor but to the FOIA Service Representatives as well. FOIA Acknowledgements are promptly done to make clear to requesters what they can expect regarding their requests.

Status Checks are done electronically as a means of communication with requesters and the Principal office FOIA Coordinators. To monitor and follow-up on FOIA requests that are frequently handled on a daily basis. A major theme of communicating with FOIA requesters and to ascertain the status of responsive documents.

10/11/2007
The current state of Affairs:

Changes to personnel practices:

1. Look at the grades of the government workers who are processing the FOIA cases, involve them in every aspect of FOIA and not ignore them.
2. Promote the two FOIA Officers to the next grade level to show that their experience and hardwork in processing the FOIA cases is recognized and to ensure that ED is in compliance with Executive Order 13,392; promoting them will enable ED to retain their expertise in the FOIA process.
3. Because there are only two government employees processing FOIA cases, two more government workers are needed to process FOIA cases as well.
REminder: If you have not submitted your input to Julian, please do so by COB today!

Angela Arrington
Department Of Education - OM
550 12th St. SW - Room 9156
Washington, DC 20004
work (202) 245-6409

-----Original Message-----
From: Arrington, Angela
Sent: Wednesday, May 24, 2006 8:16 AM
To: Cueva, Maria-Teresa; Darby, Linda; Mullan, Kate (Contractor); Jessup, Bennie
Cc: Carpenter, Julian; El-Naggar, Jennifer (Contractor); Eiden, Lee
Subject: FOIA Exec. Order Improvement Plan
Importance: High

FOIA Team: The FOIA Executive Order requires agencies to review their current FOIA operations and explain any areas for improvement. Continuing on our planning sessions, Julian needs your cooperation in providing input for the following improvement areas in order to complete his draft. I would like for each of you to draft a brief statement (approx. three sentences) summarizing our current state of affairs for the following improvement areas:

Maria: System of handling referrals (# 16)
       System of handling consultations (# 17)

Kate: Troubleshooting of any existing problems with existing request tracking (# 9)

Bennie: Acknowledgement letters (# 15)

Julian: Improvement ideas from field office personnel (# 19)
       Increased staffing (# 22)
       Purchase of new equipment needed (# 25)

Linda: Changes to personnel practices (# 23)

Descriptions of the improvement areas can be found in the DoJ guidance (http://www.usdoj.gov/oip/foiapost/2006foiapost6.htm). Your assigned improvement areas are listed in Part 1 of the guidance.

Please send an e-mail to Julian with your assigned information by COB TODAY (May 24). If you have any questions, please see me or Julian. Thank you.

Angela Arrington
Department Of Education - OM
550 12th St. SW - Room 9156
Washington, DC 20004
work (202) 245-6409
Julian, here is draft content for: 11, 12, 13, and 23. Please look at number 12 closely to see if the material you already have includes time milestones and measurements for success on #12. The other items are definitely new and ready for incorporation into your master.
I will send an updated version as soon as I can. Start with this...

---Original Message---
From: Carpenter, Julian
Sent: Tuesday, May 23, 2006 6:39 PM
To: Carter, Jennifer (Contractor)
Cc: EI-Naggar, Jennifer (Contractor)
Subject: Use this version.

J. Carter:
Since I'm still here, I might as well send you the latest Master that includes the template revisions.

JBC

<< File: DRAFT FOIA Improvement Plan.Master Copy.052306.doc >>

Julian B. Carpenter
Management and Program Analyst
U.S. Department of Education
Office of Management
550 12th St. SW
Washington, DC 20202
julian.carpenter@ed.gov
Nonresponsive

From: Arrington, Angela
Sent: Wednesday, May 24, 2006 8:16 AM
To: Cueva, Maria-Teresa; Darby, Linda; Mullan, Kate (Contractor); Jessup, Bennie
Cc: Carpentier, Julian; EI-Naggar, Jennifer (Contractor); Eiden, Lee
Subject: FOIA Exec. Order Improvement Plan

Importance: High

FOIA Team: The FOIA Executive Order requires agencies to review their current FOIA operations and explain any areas for improvement. Continuing on our planning sessions, Julian needs your cooperation in providing input for the following improvement areas in order to complete his draft. I would like for each of you to draft a brief statement (approx. three sentences) summarizing our current state of affairs for the following improvement areas:

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   System of handling consultations (#17)

Kate: Troubleshooting of any existing problems with existing request tracking (#9)

Bennie: Acknowledgement letters (#15)

Julian: Improvement ideas from field office personnel (#19)
   Increased staffing (#22)
   Purchase of new equipment needed (#25)

Linda: Changes to personnel practices (#23)

Descriptions of the improvement areas can be found in the DoJ guidance (http://www.usdoj.gov/oip/foiapost/2006foiapost6.htm). Your assigned improvement areas are listed in Part 1 of the guidance.

Please send an e-mail to Julian with your assigned information by COB TODAY (May 24). If you have any questions, please see me or Julian. Thank you.

Angela Arrington
Department Of Education - QM
550 12th St. SW - Room 9156
Washington, DC 20004
work (202) 245-6409
I'm attaching my updated version with changes in blue. At this point, I will not write into any of these sections. I am giving Julian version control of this draft to put into his master template.

My understanding is that Julian will provide that template to Jennifer tonight, so that she can write into it before COB tomorrow. I will not see it again until Julian has incorporated everyone's content into the master and I will do a tech edit on Friday morning. The new sections I'm writing will come tomorrow, first to Jennifer and then to Julian, once she's written over them.

Sorry to be so particular about this but if we lose version control at this stage and have to rebuild the document from numerous drafts... we just don't want to do that.
From: Jessup, Bennie  
Sent: Tuesday, May 23, 2006 3:26 PM  
To: Carpentier, Julian  
Cc: Arrington, Angela  
Subject: FOIA Executive Order Comment to Section IV

WEB - To make sure the most recent information is always available for reference for FOIA inquiries.

REFERENCES - Updated references and reference list should be shared.

AUTOMATION of FOIA - To be certain that all FOIA Coordinators are being trained and to address problems immediately.

CASE MANAGEMENT - Management of all cases should be accurate and follow-ups to make sure that all responsive documents are being documented and shared with FOIA Team.

COMMUNICATION - Discussion on hot topics that will generate FOIA requests.

To always be open and open minded to public inquiries and deliver on inquiries expediently, when possible, even, when knowing the responsive documents are not available and will not be available for a while.

TRAINING - More FOIA trainings when available. To make certain that all POC Coordinators are up-to-date on all possible trainings/updates and reviews.

FOIA INFRASTRUCTURE - Discussion of FOIA program changes, its components, implementation efforts. Goals, objectives and accomplishments.
From: Washington, Tomakie  
Sent: Tuesday, May 23, 2006 9:30 AM  
To: Berger, Keith; Fenwick, Beverly  
Cc: Eiden, Lee; Arrington, Angela  
Subject: RE: OM Control #4207 OS#06-007672 Exec Order

Thanks Keith, we're all on the same page including Michell whom Angela and Lee update on a daily basis regarding the implementation of this order. All is well...

-----Original Message-----
From: Berger, Keith  
Sent: Tuesday, May 23, 2006 9:24 AM  
To: Washington, Tomakie; Fenwick, Beverly  
Cc: Eiden, Lee; Arrington, Angela  
Subject: RE: OM Control #4207 OS#06-007672 Exec Order

Tomakie, While I see where you and the staff is coming from regarding the due dates. (b)(5)

Just food for thought for future clearances and due dates. Keith

-----Original Message-----
From: Washington, Tomakie  
Sent: Tuesday, May 23, 2006 8:35 AM  
To: Fenwick, Beverly  
Cc: Berger, Keith; Eiden, Lee; Arrington, Angela  
Subject: RE: OM Control #4207 OS#06-007672 Exec Order

Yes, I understand that it cannot be extended, Angela and Lee have spoken with the Exec Sec regarding the date of action. (b)(5)

-----Original Message-----
From: Fenwick, Beverly  
Sent: Tuesday, May 23, 2006 8:27 AM  
To: Washington, Tomakie  
Cc: Berger, Keith  
Subject: RE: OM Control #4207 OS#06-007672 Exec Order

Tomakie,

I understand this control is not due to DOJ until 6/14, but the due date still remains the same 5/24. This cannot be extended. Therefore, when we receive it on 6/8/06, it will put OM on the overdue list with the Exec Sec's office. I need it ASAP.

-----Original Message-----
From: Washington, Tomakie  
Sent: May 23, 2006 7:49 AM  
To: Fenwick, Beverly  
Cc: Arrington, Angela; Eiden, Lee  
Subject: OM Control #4207 OS#06-007672 Exec Order

Beverly,
Please note this control will be completed by 6/8/06. The action req. date is today, but it's not due to DOJ until 6/14/06. RIMS will provide a copy on completion for closure in the OS and OM control systems. Any questions, give me a shout. Thanks!

Tomakie Washington  
Department of Education  
OM-Regulatory and Information Management Services  
550 12th Street, SW-RM 9139  
Washington, DC 20024  
202.245.6491  
F) 245.6623
Julian,

I'm attaching what I have so far, and think I can get through the rest this afternoon. I'll be in the office around 1 today. Please confirm if Angela agreed with the areas we selected for review and response.

Jennifer, please cut and paste anything you can from your original notes to answer in the attached format.

I haven't written anything yet for the following areas: 12, 13, 14, 18, 20, 21, 24, 26. So, I think I got about half way through it. There should be enough here to work with. We can all get together this afternoon and make sure we're on track for completing the entire response this week.

Thank you,

Jennifer
5/22/96  Planning Meeting

Subject: E & I

- Process centralized in one area, no others except current situation.
  - Still has value.

- Site consultants report, highlight good points

- Review activities

- Work is in process of drafting training plan.
  - Part of deliverable

- Summary: In-House, highlight good points, when going in for clients.
  - Review contract employees, addressed all issues in morning.
  - And in contract

- It's staff going field

- Notes:

  - Matrix:
    - Marketing
      - Weekly
      - Alerts of day

  - FX has alert feature; recommend in E & I.

  - Process things we can do in the mean time:
    - To include note regarding needed

- Matrix:

  - Case management: until there is 15-day indicator, need to see
    - Christie pull delinquent report periodically.
Consistent with previous, additional FTEs will be...

Linda will elaborate on FEIA Public liaison and determine how that will improve our operations.

Linda: update on website

Maria: should match name, Lee name should match

Appends: we give same address for denials, main office should handle appeals

Suggestion: change what online by end of calendar year

Step 1: How do we set

Jennifer will submit step 1 relates to FEIA procedures

Lee: include C&C in FEIA coordination

Triage: people who don't pay bills

Flagged: people who don't pay bills
i'm taking a look now... see you tomorrow at 10

Original Message
From: Carpentier, Julian
Sent: Thursday, May 18, 2006 2:21 PM
To: EI-Naggar, Jennifer (Contractor)
Cc: Carter, Jennifer (Contractor); Arrington, Angela
Subject: Exec. Order Docs

J. EI-Naggar:
All the Exec. Order comments received to date have been incorporated into your one-pager from the meeting. I'm also attaching a draft template of our implementation plan. I thought it would make sense to merge the style of our annual reports with the template provided by DoJ (see page 8 - Part II: http://www.usdoj.gov/oip/foiapost/2006foiapost6.htm).

JBC

<< File: FOIA EO session 051106.Comments.JBC 5-18-06.doc >> << File: DRAFT FOIA Improvement Plan.doc >>

Julian B. Carpenter
Management and Program Analyst
U.S. Department of Education
Office of Management
550 12th St. SW
Washington, DC 20202
julian.carpenter@ed.gov
From: Darby, Linda
Sent: Wednesday, May 17, 2006 10:39 AM
To: Carpentier, Julian; Arrington, Angela; Eiden, Lee
Subject: FW: My One Idea for Case Management Improvement under EO

-----Original Message-----
From: Cueva, Maria-Teresa
To: Valentine, Stephanie
Cc: Darby, Linda
Subject: My One Idea for Case Management Improvement under EO

I was thinking how can we "Flag" cases that we responded to requestors asking them for clarification/additional information and given them certain date/days to reply. (b)(5)

-----Original Message-----
From: Valentine, Stephanie
Sent: Tuesday, May 16, 2006 5:25 PM
To: Cueva, Maria-Teresa; Darby, Linda
Subject: My One Idea for Case Management Improvement under EO

For case-by-case problem identification, one idea would be (b)(5)
From: Darby, Linda
Sent: Wednesday, May 17, 2006 9:27 AM
To: Carpentier, Julian; Arrington, Angela; Eiden, Lee
Subject: FW: My One Idea for Case Management Improvement under EO

-----Original Message-----
From: Valentine, Stephanie
Sent: Tue 5/16/2006 5:25 PM
To: Cueva, Maria-Teresa; Darby, Linda
Cc: 
Subject: My One Idea for Case Management Improvement under EO

For case-by-case problem identification, one idea would be (b)(5)
From: Darby, Linda  
Sent: Wednesday, May 17, 2006 9:25 AM  
To: Carpentier, Julian; Arrington, Angela; Eiden, Lee  
Subject: FW: My Few Ideas on Training under EO

-----Original Message-----
From: Valentine, Stephanie  
Sent: Tue 5/16/2006 5:30 PM  
To: Darby, Linda  
Cc:  
Subject: My Few Ideas on Training under EO

Here are a few ideas I have for training:

1. (b)(5)
2.
3.
4.
5.
My one idea has two sides to it - it's more of a training issue more than anything else - but I think we could establish clear lines for transmitting what goes to who under certain circumstances. Here's an example: *(b)(5)*
From: Darby, Linda
Sent: Wednesday, May 17, 2006 9:10 AM
To: Carpentier, Julian; Arrington, Angela; Eiden, Lee
Subject: FW: Another Communication/Training Idea

-----Original Message-----
From: Valentine, Stephanie
Sent: Tue 5/16/2006 5:51 PM
To: Jessup, Bennie; Darby, Linda
Cc: 
Subject: Another Communication/Training Idea

(b)(5)
Attached is a review of the in-house consultants report for FOIA. I did get some input for this from Angela. I tried to address all issues covered in the document. *(b)(5)*
I have reviewed with additional feedback from Angela the recommendations from the In-house Consultants on FOIA. My findings are below:

Please note that the numbers that have been included in the report reflect a point in time and do not necessarily related to functions and processes as they are now. Please also note that due to changes in reporting requirements for the FOIA Annual Report as recent as FY 05, side-by-side comparisons for the statistics presented on pages 18 and 19 of the report could be derived but have not been provided in this analysis.

(b)(5)
Bob,

I do not wish to preempt Michell's response; however, RIMS is already drafting the agency's FOIA Implementation Plan. Our current schedule is to complete our draft by the end of this month. (b)(5)

Lee

-----Original Message-----
From: Eitel, Robert S.
Sent: Monday, May 15, 2006 11:33 AM
To: Clark, Michell
Cc: Eiden, Lee
Subject: FOIA Plan, Part 2

(b)(6)

May I have a draft of the report early during the prior week (the week of June 5-9)?

Thanks.

-----Original Message-----
From: Eitel, Robert S.
Sent: Monday, May 15, 2006 11:15 AM
To: Clark, Michell
Cc: Eiden, Lee
Subject: FOIA Plan

Michell:

As you will recall, the President's recent Executive Order concerning FOIA requires all federal agencies to file a report with DOJ and OMB by no later than June 14, 2006, setting forth the agency's plan for FOIA compliance and other matters. OGC is ready to assist OM in this effort, and to that end, I briefly chatted with Jeanne about reviewing the plan prior to her departure. I assume that Lee as Acting RIMS Director will take on the responsibility of preparing and submitting the report. Please tell me how I can help.

Thanks.

Bob

Robert S. Eitel
Office of the General Counsel
U.S. Department of Education
400 Maryland Avenue, S.W.
<table>
<thead>
<tr>
<th>ENTITY</th>
<th>ROLES/RESPONSIBILITIES</th>
<th>DELIVERABLES</th>
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<td>(b)(2), (b)(5)</td>
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- Office of the Secretary (Sec.)
- Office of the General Counsel (OGC)
- Office of the Chief Information Officer (OCTO)
- Office of Public Affairs (OPA)
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</tbody>
</table>
From: Eiden, Lee  
Sent: Friday, May 12, 2006 4:50 PM  
To: Carpentier, Julian  
Cc: Arrington, Angela; Novick, Dianne  
Subject: FOIA Implementation Report

Julian,

Here are the "To-Be" FOIA Roles and Responsibilities from the In-House Consultant activity.

Also, based upon Tomakie's note -- I think that we need to clarify if this is going to be signed by the Secretary or our OM Assistant Secretary AND should you start writing sooner than later. If so, we should plan on getting you some clear time now.

Lee Eiden  
Acting Director  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
Room 9149 - Potomac Center Plaza  
550 12th Street, SW, Washington, DC 20202  
Telephone: 202.245.6454  
Fax: 202.245.6623
To: Beverly Fenwick
Cc: Angela Arrington, Lee Eiden, Julian Carpentier

Subject: OM Control #4207 OS # 06-007672 EO Disclosure

Beverly, please note this control needs an extended date of June 8, 2006 not 5/24/06. The disclosure is due to OMB on 6/14/06, RIMS will complete the report by 6/8/06 and give a copy of the OMB submission to you for closure in OS. If I need to notify the Exec Sec myself please let me know. Thanks!

Tomakie Washington
Department of Education
OM-Regulatory and Information Management Services
550 12th Street, SW-RM 9139
Washington, DC 20024
202.245.6491
F) 245.6623
From: El-Naggar, Jennifer (Contractor)
Sent: Thursday, May 11, 2006 2:50 PM
To: Carter, Jennifer (Contractor); Le, Quyen (Contractor); Jessup, Bennie; Arrington, Angela; Bell, Keelah
(Contractor); Cueva, Maria-Teresa; Valentine, Stephanie; Darby, Linda; Eiden, Lee; Carpentier, Julian
Subject: FOIA EO Session notes
Participants: Quyen Le; Bennie Jessup; Angela Arrington; Keedah Bell; Wysmome Black; Maria Cueva; Stephanie Valentine; Linda Darby; Le Eiden; Julian Carpentier; Kate Mullan; Jennifer Carter; Jennifer El-Naggar

Topic: ED RIMS response to Presidential FOIA Executive Order, to be delivered to DOJ June 14, 2006 (to be delivered to Michel Clark June 7, 2006)

(b)(2),(b)(5)
From: Carter, Jennifer (Contractor)
Sent: Thursday, May 11, 2006 1:54 PM
To: Le, Quyen (Contractor); Jessup, Bennie; Arrington, Angela; Bell, Keedah (Contractor); Cueva, Maria-Teresa; Valentine, Stephanie; Darby, Linda; Eiden, Lee; Carpentier, Julian; Carter, Jennifer (Contractor); El-Naggar, Jennifer (Contractor)
Subject: Soft Copy Executive Order Analysis
Executive Order Implementation - Responsibility of Chief FOIA Officer
Agency-Specific Plan
1) Concrete Milestones
2) Specific Timetables
3) Outcomes to be achieved

Web
Affirmative disclosure under subsection (a)(2)-General postings on Website
Exec. Order 13,392 Sec 3(a)(iv)

Proactive disclosure of information -other info that can be released in full, not in category above- 3x rule, working with grant office to time release of new grants for posting
Exec. Order 13,392 Sec 3 (b)(ii)
Exec. Order 13,392 Sec 3(a)(iv)

Overall FOIA website improvement -friendly format and navigation-See Dept. of State verbage

References
Improvement of Agency’s FOIA reference guide-maintenance of FOIA reference guide or requester handbook -increase public awareness of FOIA procedures
Exec. Order 13,392 Sec 3 (b)(iii)

Automation in FOIA

Automated Tracking capabilities-Status of requests
Automated Processing capabilities – EFOIA- Scan Redact and process- use of less paper - CD SOP for every case over 200 pages and greater quality control efficient-review of PDF easier for page count and QC and effective procedures in place to speed time turnaround-the time it takes to print out 100’s of pages on one shared printer, can burn 3 disks
Exec. Order 13,392 Sec 3(a)(iii)(A) “use of IT in responding to FOIA requests”
Exec. Order 13,392 Sec 2 (b)(i) “Efficiency”

EFOIA – receiving/responding to requests electronically- “must” respond to requester in format requested if “reasonable”
“Commonplace”

- FBI Use of technology to expedite customer service: We’ve moved to paperless processing through our FOIPA Document Processing Systems (FDPS), compliant with the legal requirements under E-FOIA for the electronic processing of requests for documents classified at the “Secret” level or below. The FDPS allows the FBI to scan official FBI paper files, documents, and correspondence, and then process them electronically rather than by the traditional method of redacting information manually on paper. RIDS is using the system for all new FOIA and Privacy Act requests.
Case Management

Multi-track processing – addresses backlog of pending requests-see DOJ multitrack paper
Exec. Order 13,392 Sec 3 (a)(iii) (C)

Troubleshooting existing problems – human error removal in process, generic solutions-
Intake QC process

Case-by-Case problem identification – Problems or mistakes in process, lessons learned

Expedited Processing – expediting the FOIA request must be made within 10 calendar days
Exec. Order 13,392 Sec 3 (a)(iii) (B)

Backlog reduction/elimination – “identify ways to eliminate them or reduce them” Major
section- See backlog idea paper

Communication with public

Politeness/courtesy – “customer service requirement” – added additional lines to be
answered for FOIA mailbox

Forms of communication with requesters – better job communication= clarity of request-
Status letter idea for backlog cases

Acknowledgement letters – Responsive and proactive approaches

System of handling referrals – process of making referrals

System of handling consultations – records that originated outside DoE – agency to
agency process

Cooperation with Program personnel – maintain records (POC)- Lee’s idea of POC
coordinator training and outreach meetings

Improvement ideas from field office personnel – Decentralized offices that process
FOIA, (OIG, OCR, Regions) Lee’s idea of POC coordinator training and outreach
meetings

Training

Additional training needed – In house training- Lee’s idea of POC coordinator training
and outreach meetings
In-house training on safeguarding label/FOIA exemption distinctions – "FOUO" or "SBU"

Increased staffing - Exec. Order 13,392 Sec 2 (b)(iii) – “adjustments to agency practices, policies, personnel and funding as may be necessary”
Exec. Order 13,392 Sec 3 (a)(i) “expenditure of resources”

Changes of personnel practices – grade levels of personnel - Delegations

Contracting out/hiring contract employees – SAIC

Purchase of new equipment needed – basic office equipment necessary to get job done “productivity and efficiency” - CDs

**FOIA Infrastructure**

Centralization/decentralization – effective approach

Recycling of Improvement Information gleaned from FOIA requester service centers – “customer feedback” form FOIA public liaison. - Sample customer feedback form
Michell,

We have this well in hand. Julian Carpentier of our staff is taking point on this activity and working closely with Angela.

Lee

-----Original Message-----
From: Clark, Michell
Sent: Tuesday, May 09, 2006 5:17 PM
To: Eiden, Lee
Cc: Aten, Nina; Kaplan, James
Subject: FW: E.O. 13,392 implementation

FYI and action as appropriate...

Make it a Great Day!!

Michell Clark
Assistant Secretary for Management and Acting CIO
Department of Education
400 Maryland Ave., S.W.
Washington, D.C. 20202
(202) 260-7337

-----Original Message-----
From: List.Names@usdoj.gov [mailto:List.Names@usdoj.gov]
Sent: Monday, May 08, 2006 9:28 AM
To: Abbott, Marilyn; Baker, Richard; Barnes, Janet L.; Bartholow, Steven; Boling, Edward; Booker, Carol; Buffon, Kathleen; Carson, David; Cerveny, John; Conley, Michael; Cooney, Maureen; Coulter, Frank; Cragg, Scott; Crumпacker, Jill; Danker, Deborah; DeFrancis, Suzy; DeSoto, Lisa; Discenza, Michael; Donaldson, Lyn; Eyre, Jane; Feder, Samuel; Fernandez, Alexander; Flahaven, Richard; Ford, Delorice; Fortuno, Victor; Fried, Maria; Garfinkel, Mark; Glah, Janeen; Glynn, M.L.; Gottfried, Keith; Grafeld, Margaret; Hackett, John; Halbert, Gary; Hawkins, Donald; Hertz, Philip; Hill, Beverly; Hughes, Inez; Inman, Kathryn; Johnson, Jennifer L.; Johnson, Mary; Jones, Douglas; Jordan, Mosina; Jurith, Edward; Kammer, William; Kaye, Janice; Kearney, Barry; Keats, Craig; Killette, Delores; Knapp, Linda; Kolb, Ingrid; Laponsky, Mark; Le, William; Levitt, Marilyn; Luttner, Mark; Mallon, Thomas; Martini, John; Mason, Eileen; Mastromand, Peggy; Robert.McCallum@usdoj.gov; McConnell, Stephen; McDonnell, Erin; McKenna, Michael; McLaughlin, Jeanne; Melendy, Rosemary; Monroig, Emma; Moye, Melba; NASA FOI; Nichols, Dorothy; Ogbazghi, Joan; Oliver, Ramona; Oliveri, Medaris; Pack, Sandra; Petrick, James; Pizzella, Mary Joy; Powell, D. Matthew; Pusateri, Kenneth; Reynolds, Kate; Roberts, Bentley; Roberts, Keith; Schiffer, Lois;
This is a reminder to all agency points of contact on the implementation of Executive Order 13,392 (i.e., Chief FOIA Officers, FOIA Public Liaisons, and other principal agency FOIA personnel) that OIP’s second open house on EO plan development will be held at OIP’s offices (1425 New York Ave., N.W., 11th floor) from 10:00 to 12:00 on Wednesday, May 17. At the last open house, held on April 27, a copy of the EO implementation guidance was distributed. That guidance is available on OIP’s FOIA Web site (at the following link: http://www.usdoj.gov/oip/foiapost/2006foiapost6.htm); please see both footnotes 1 and 26 of this guidance memorandum regarding governmentwide EO implementation meetings. Any question can be posed to the head of OIP’s EO implementation team, Pam Maida, at 514-3642.
From: Arrington, Angela
Sent: Monday, May 08, 2006 9:56 AM
To: Cueva, Maria-Teresa; Darby, Linda; Mullan, Kate (Contractor); El-Naggar, Jennifer (Contractor); Carter, Jennifer (Contractor); Carpenter, Julian; Swafford, Christie; Washington, Tomakie; Jessup, Bennie; Garrett, Patrice (Contractor); Bell, Keedah (Contractor); Valentine, Stephanie
Cc: Eiden, Lee
Subject: FW: FOIA Executive Order Review and Improvement Plan (related documents)

FOIA Team:
Please see Julian's message below. These documents will be helpful for our working session that is scheduled for Thursday at 10:00. Please review these documents before Thursday's meeting.

Thanks,
Angela

Angela Arrington
Department Of Education - OM
550 12th St. SW - Room 9156
Washington, DC 20004
work (202) 245-6409

-----Original Message-----
From: Carpentier, Julian
Sent: Thursday, May 04, 2006 5:10 PM
To: Arrington, Angela
Subject: FOIA Executive Order Review and Improvement Plan (related documents)

Attached are documents that can assist in the preparation of the FOIA Executive Order Review and Improvement Plan:

FOIA In-House Consultants Recommendations

FOIA Executive Order Side-by-Side Comparison

FOIA E.O. Guidance from DoJ (January 2006)

ED FOIA E.O. Response to OMB (January 2006)

OM-RIMS 2006-2008 Strategic Plan

--Provides instructions on writing the FOIA Operations Review and Implementation Plan (due June 14, 2006) as required by the FOIA Executive Order.

FOIA ACS Directive: <http://wdcrobis08/doc_img/acs_octo_1_102.doc>
Freedom of Information Act (FOIA) “To Be” Recommendations

In-House Consultant Team
Performance and Process Improvement Services
- Kay Gilcher
- Chris M. Fisher
- Ruth Ann Harrold
- Tony Magro

U.S. Department of Education
November 13, 2003
Finding 1: There is no central point of receipt of requests.

Recommendation 1: Ensure central intake, review and assessment of all requests relative to complexity, sensitivity and risk through technology and oversight by OCIO.

Enablers: A web-based management, tracking and reporting system and scanning capability at headquarters (OCIO) and in each regional office.

OCIO continuously monitors the system for accuracy, duplication and timeliness.
Finding 2  ED does not use the web site effectively to provide information to customers and staff.

Recommendation 2a Optimize use of the web to provide technical assistance and releasable materials, which will reduce the number of FOIA requests and improve the quality of those that are submitted.

- Update the information available to the public on how to initiate a FOIA request and on FOIA guidelines.
- Increase availability of releasable documents on the ED site.
- Place a FOIA icon on ED.gov home page.

Recommendation 2b Enhance the FOIA intranet site to provide easy access for staff to FOIA information, resources, and tools.
Finding 3  The Department has not aligned staff resources to effectively manage the FOIA process to provide appropriate levels of service to the POU.

Recommendation 3  Deploy staff resources strategically to support FOIA by:

- Building on best practices learned from organizations, including central oversight, clear accountability, and clear roles of FOIA staff
- Enhancing the range of service OCIO provides to Principal Offices
- Ensuring coordinated, high level oversight of the function in OCIO, and in the Principal Offices (Chief of Staff)
Finding 4 Processing FOIA requests has been a low priority for the Department and there is a lack of accountability for the FOIA process.

Recommendation 4 ED should establish clear accountability and ownership throughout the FOIA business life cycle by:

- Ensuring that all ED staff have a basic understanding of FOIA and recognize its importance.
- Clarifying the FOIA Officer and Coordinator functions.
- Including FOIA responsibilities in EDPAS of key personnel.
- Monitoring against organizational performance standards for timeliness and quality (OCIO).
- Assigning Chief of Staff oversight of the FOIA function in the Principal Offices.
Finding 5 ED has a high number of pending requests and pending appeals.

Recommendation 5 Establish performance standards for timeliness for each phase of the process and monitor against those standards.

Enabler: OCIO monitors web-based FOIA management tracking and reporting system for accuracy, duplication and timeliness throughout the cycle.
Finding 6 FOIA coordinators and staff working on FOIA requests are not fully knowledgeable about FOIA legislation, regulations, and other guiding directives.

Recommendation 6a Make training readily available to FOIA Officers, FOIA Coordinators, and ED staff

- Require annual training for FOIA officers and coordinators
- Deploy DOJ customized training
- Develop and deliver a FOIA awareness campaign to ED employees

Recommendation 6b Update and issue the ACS Direct

Recommendation 6b Update the FOIA Regulations
Finding 7. Current technology is not used consistently and does not support effective request management and required reporting to DOJ/Congress.

Recommendation 7. Acquire a comprehensive and integrated FOIA management, tracking and reporting system; involve FOIA coordinators in the review of options.
Proposed IT-Tool Functionality – Key Features

- Web-based system serves as an online portal for FOIA Initial Request and Appeals processes
- Provides options for notifying requestors, via e-mail, of status of request
- Allows cases to be assigned/reassigned to responsible POs
- Provides scanning functionality at all input points
- Allows for web-based estimations and payment management
- Capable of handling all document and image formats
Proposed IT-Tool Functionality – Key Features (cont)

- Supports electronic redactions and annotations
- Supports the collection and compilation of data for annual reports
- Allows for shared reporting for dispersed principal offices
- Supports communication among agency FOIA staff.
- Automatically notifies and prompts users of key activities, actions and deadlines.
Proposed IT-Tool Functionality – Integration and Reporting

- Integrated, to varying extent, with relevant ED systems, including case management, e-mail and Exec Sec controlled correspondence.

- Makes available a variety of status tracking and performance reports. Also allows creation of ad-hoc queries and reports.
Events that Trigger Major Activities

<table>
<thead>
<tr>
<th>Event</th>
<th>Process</th>
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<tbody>
<tr>
<td>Written request for information</td>
<td>Initial Request Process</td>
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<tr>
<td>Assignment to Principal Office</td>
<td>Search for Records</td>
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<tr>
<td>PO's Fee Estimate</td>
<td>Request for a Fee Waiver</td>
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<tr>
<td>Determination that Records are Fully Releasable</td>
<td>Delivery of Response Package to Requestor</td>
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<tr>
<td>Determination that there are “no records” or a full or partial denial</td>
<td>Delivery of a Denial response to Requestor</td>
</tr>
<tr>
<td>Lack of timely payment</td>
<td>Payment Notice</td>
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<tr>
<td>Updating of FOIA system</td>
<td>Close Out of Request</td>
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<tr>
<td>Written Appeal from Requestor</td>
<td>Appeals Process</td>
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</table>
Overview of the “To Be” Processes

The Initial Request Process consists of five phases

- Intake/assessment
- Request Processing
- Fee Waiver
- Close Out
- Payment Processing

The Appeal Process consists of a single phase
Intake/assessment - Headquarters

OCIO is central point of intake for all headquarters FOIA requests

OCIO assesses each request regarding complexity, sensitivity and risk.

OCIO coordinates the processing of the request by the appropriate PO(s), establishes target dates, and monitors the status.
Intake/assessment – OIG and OCR Regions

FOIA requests received by OIG and OCR regions are scanned and entered into the FOIA management, tracking and reporting system.

OIG/OCR regions assess each request regarding complexity, sensitivity and risk.

Chiefs of Staff responsible for monitoring and accountability of all FOIA transactions within Principal Offices.
- Establish and oversee mechanisms for quality review
- Use periodic reports provided by OCIO to monitor PO performance in FOIA processing
- Ensure that staff are trained and have adequate support to meet organizational performance standards
Request Processing – Headquarters, OIG and OCR Regions

OCIO provides FOIA technical assistance to POs (in some cases, full service).

Principal Office staff contact the requestor for clarification and conduct a search for requested information or records.

If staff determine the information is fully releasable, they send a copy to OCIO. If OCIO concurs, POC staff send the information to the requestor, and update the system.
Request Processing – Headquarters, OIG and OCR Regions

If staff determine that any records should be withheld, they prepare the denial packages and send it to the FOIA Officer (OCIO) or to the OIG/Regional Denial Officer.

OGC provides legal advice and technical assistance.

The FOIA Officer/Denial Officer prepares the final responses when any of the requested materials are withheld, sends the package to the requestor and updates the FOIA system.

Chiefs of Staff are responsible for ensuring the quality and timeliness of responses.
Fee Waiver, Close Out and Payments

Requestors may ask for a fee waiver associated with the processing of the request.

The FOIA Officer (in OCIO) has the authority to grant or deny these requests.

Requestors may appeal this decision to the FOIA Appeals Officer.

OCIO is responsible for closing out all requests and for receiving fee payments.
Appeal Process

Requestors have the right to appeal a “no records” response and full or partial denial of records.

All appeals are received and analyzed by OCIO, including those received in the OCR regions and by OIG.

OCIO consults with the offices involved and reviews the draft decision letter prepared by the PO, which is also reviewed for legal sufficiency by OGC.
Performance/Stretch Target - Intake/Review Phase

- Requestor is contacted within 20 days for clarification
- All changes in the request are documented in the management, tracking and reporting system
- 95% of initial requests are assigned to the appropriate Principal Office the first time
- 100% of multiple office requests are assigned a responsible coordination point
- 100% of all FOIA requests are entered into the management, tracking and reporting system
Performance/Stretch Target: Processing Phase

- OCIO and PO staff who have FOIA responsibility attend FOIA training annually.

- All ED staff participate in awareness training.

- 90% of FOIA responses are completed within the assigned timeframe.

- 100% of requests are updated in the management, tracking and reporting system with accurate information on status.

- In the appeals process, no records are found that should have been included in the initial response.
## Performance/Stretch Targets – Remaining Phases

| Fee Waivers/Fee Waiver Appeals | No fee waiver appeals are granted on the basis of incorrectly identified requestor status |
| Close Out | All requests are closed within 24 hours of time response is sent to requestor |

**In-House Consultants**
Performance/Stretch Targets – Appeals Process

- 95% of appeals are responded to within 60 days

- The number and disposition of appeals are accurately reflected in the annual DOJ data call
# SIDE-BY-SIDE
**Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)**

<table>
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<tr>
<th>Status</th>
<th>Executive Order</th>
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<tbody>
<tr>
<td><strong>YELLOW</strong></td>
<td>“<strong>Section 1. Policy:</strong> Agencies shall process requests under the FOIA (Freedom of Information Act) in an efficient and appropriate manner and achieve tangible, measurable improvements in FOIA processing.”</td>
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**ED Status**
(As of January 30, 2006)

**ED Administrative Communications System (ACS) FOIA Directive [1. Purpose]:** The FOIA ACS Directive provides ED employees with the policies, procedures, and guidance necessary to respond to FOIA requests in a timely and efficient manner that promotes public understanding of ED operations and activities.

**Status:** FOIA policies and procedures are in place. However, FOIA response timeliness remains a problem. The Regulatory Information Management Services (RIMS), within the Office of the Chief Information Officer (OCIO), will continue to work with Program Offices and the Office of the General Counsel (OGC) on training and responsiveness.

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<th>Status</th>
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| **GREEN** | “**Section 2. Agency Chief FOIA Officers:**
- The head of each agency shall designate within 30 days of the date of this order (DUE DATE: 1/13/2006) a senior official of such agency (at the Assistant Secretary or equivalent level), to serve as the Chief FOIA Officer of that agency.” |

**Status:** Done.

The Secretary has designated the Assistant Secretary for Management/Chief Information Officer (ASM/CIO), Michell Clark, as the Department’s FOIA Officer. Also, the ED organizational structure established the Regulatory Information Management Services Director, Jeanne Van Vlandren, as the Chief FOIA Officer.

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<tr>
<td><strong>GREEN</strong></td>
<td>“The Chief FOIA Officer shall have agency-wide responsibility for efficient and appropriate compliance with the FOIA.”</td>
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</table>

**FOIA ACS Directive [V.G.]:** FOIA Officers are designated by the CIO to oversee ED’s administration of the FOIA.

**Status:** Done.

OCIO/RIMS/JBC—1/6/2006
## SIDE-BY-SIDE

**Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)**

<table>
<thead>
<tr>
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<th>ED Status (As of January 30, 2006)</th>
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<tbody>
<tr>
<td><strong>GREEN</strong></td>
<td>&quot;The Chief FOIA Officer shall monitor FOIA implementation throughout the agency, and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency’s performance in implementing the FOIA.”</td>
<td>The ASM/CIO, working with the Chief of Staff (CoS), defined the CoS role in monitoring the FOIA implementation throughout the agency.</td>
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</table>
| **YELLOW** | "The Chief FOIA Officer shall recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to carry out the policy as set forth in this Executive Order.” | **FOIA ACS Directive [VI.B.]:** The FOIA Officers provide Department-wide oversight for the management and implementation of the FOIA.  
**FOIA ACS Directive [VI.G.]:** The Department submits the FOIA Annual Report to the Department of Justice (DoJ) on or before February 1 each year.  
**Status:** Done. |

**Recommendations:**
1) Assign/recruit additional OGC attorney assigned to FOIA  
2) Provide full funding for RIMS Support Services Contract  
3) Fill vacant FOIA government positions within RIMS  
4) Purchase additional scanners in the Principal Offices
## Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

<table>
<thead>
<tr>
<th>Status</th>
<th>Executive Order</th>
<th>ED Status (As of January 30, 2006)</th>
</tr>
</thead>
</table>
| GREEN  | “The Chief FOIA Officer shall review and report to the Attorney General, through the head of the agency, on the agency’s performance in implementing the FOIA.” | **FOIA ACS Directive [VI.B.16.]:** The FOIA Officers prepare ED’s FOIA Annual Report and submit to DoJ.  
**Status:** Complete to date. |
| GREEN  | “The Chief FOIA Officer shall include concise descriptions of the FOIA’s statutory exemptions in both the agency’s FOIA handbook, and the agency’s annual FOIA report, and provide an overview of certain general categories of agency records to which those exemptions apply.” | **FOIA ACS Directive [VII.B. FOIA Exemptions and Exclusions]:** The full text of the FOIA exemptions are available on ed.gov ([http://www.ed.gov/policy/gen/leg/foia/exemptions.html](http://www.ed.gov/policy/gen/leg/foia/exemptions.html)).  
Requestor data for each applicable exemption are located in the FY 2004 ED FOIA Annual Report ([http://www.ed.gov/about/reports/annual/foia/foiafv04.pdf](http://www.ed.gov/about/reports/annual/foia/foiafv04.pdf)).  
The FOIAXpress operating procedures contain concise descriptions of the FOIA statutory exemptions.  
**Status:** Done. |
| GREEN  | “Each agency shall establish one or more FOIA Requester Service Centers (Center), which shall serve as the first place that a FOIA requester can contact to seek information concerning the status of the person’s FOIA request and | **FOIA ACS Directive [V.F.]:** The FOIA Office (OCIO/RIMS) is responsible for overseeing ED’s administration of the FOIA.  
**Status:** Requested function is currently performed by OCIO/RIMS. |

OCIO/RIMS/JBC—1/6/2006
## Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

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<tr>
<th>Status</th>
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<tr>
<td>YELLOW</td>
<td>“The Chief FOIA Officer shall designate one or more agency officials as FOIA Public Liaisons, who may serve in the Center or in a separate office. FOIA Public Liaisons shall serve as supervisory officials to whom a FOIA requester can raise concerns about service, following an initial response from the Center staff. The FOIA Public Liaison shall assist in reducing delays, increasing transparency and understanding of the status of requests, and resolving disputes. FOIA Public Liaisons shall report to the agency Chief FOIA Officer on their activities.”</td>
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<td>GREEN</td>
<td>“The agency shall use existing agency staff and resources in establishing the Centers and designating FOIA Public Liaisons.”</td>
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<td>(As of January 30, 2006)</td>
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<tr>
<td>The RIMS Director currently performs the duties of the FOIA Public Liaison.</td>
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<tr>
<td>Status: Using existing resources, officially designate a FOIA Public Liaison. (Done.)</td>
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<td>FOIA costs and staffing data are located in Section IX. of the FY 2004 ED FOIA Annual Report.</td>
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### Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

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<td><strong>YELLOW</strong></td>
<td>• &quot;Each agency shall post appropriate information about its Center or Centers on the agency’s website, including contact information for its FOIA Public Liaisons.”</td>
<td>Principal Offices have posted the required information on their webpages.</td>
</tr>
<tr>
<td><strong>YELLOW</strong></td>
<td>• &quot;The Chief FOIA Officer shall ensure that the agency has in place a method to receive and respond promptly and appropriately to inquiries from FOIA requesters about the status of their requests. The Chief FOIA Officer shall also consider whether the agency’s implementation of other FOIA policies and procedures would be appropriate for status inquiries.”</td>
<td><strong>Recommendation:</strong> Full funding would allow OCIO/RIMS to improve the FOIA “ed.gov” website and better assist Principal Offices in addressing FOIA issues on program specific websites.</td>
</tr>
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**FOIA ACS Directive [VII.A. Initial FOIA Requests]:** Describes the procedures for initial requests.

**FOIA ACS Directive [VII.H.3.]:** ED maintains the voice message-based FOIA Information Line to assist the public in obtaining information about the FOIA and the basic procedures for submitting a FOIA request to ED.

ED established the FOIA Mailbox to allow the public to submit requests via e-mail. Also, individuals can submit a FOIA request online. 

**Recommendation:** FOIAXpress allowed the Department to streamline its FOIA implementation process. However, FOIA response timeliness continues to be an issue. Our office believes the following resources will help improve the FOIA response time:

1. Assign/recruit additional FOIA attorney assigned to FOIA
2. Provide full funding for ED Support Services Contract
3. Fill vacant FOIA.gov positions within RIMS
## SIDE-BY-SIDE

### Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

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| GREEN  | **Section 3. Review, Plan, and Report:**  
- The Chief FOIA Officer shall evaluate, with reference to numerical and statistical benchmarks, the agency's administration of the FOIA, including the agency's expenditure of resources on FOIA compliance and the extent to which, if any, requests have not been responded to within the statutory time limit (backlog).” | OCIO/RIMS evaluated the Department's administration of the FOIA during its FY 2004 FOIA re-engineering project (In-House Consultants).  
OCIO/RIMS also issues monthly status reports to the Chiefs of Staff and the FOIA Coordinators. |
| GREEN  | • “The Chief FOIA Officer shall review the processes by which the agency assists and informs the public regarding the FOIA process.” | During the third quarter of FY 2004, the Department began re-engineering the manner in which FOIA requests are processed. |
| GREEN  | • “The Chief FOIA Officer shall examine the agency's use of information technology in responding to FOIA requests, including without limitation the tracking of FOIA requests and communication with requesters.” | During FY 2004, OCIO/RIMS installed FOIAxpress, a network-based system designed specifically to automate the FOIA processing for public requests. OCIO/RIMS researched and benchmarked available products before deciding on FOIAxpress. Currently, OCIO/RIMS is in the "initial installation" phase of implementing FOIAxpress. |
## SIDE-BY-SIDE
**Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)**

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<td><strong>GREEN</strong></td>
<td>• “The Chief FOIA Officer shall examine the agency’s practices with respect to</td>
<td><strong>FOIA ACS Directive [V.I. FOIA Working Group]:</strong> Comprised of ED’s FOIA Officers and FOIA</td>
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<td></td>
<td>requests for expedited processing.”</td>
<td>Coordinators whose function is to review any new FOIA changes or procedures and assist with</td>
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<td></td>
<td></td>
<td>the implementation of such.</td>
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<td>During FY 2005 and FY 2006, OCIO briefed the Chiefs of Staff on the roles and responsibilities</td>
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<td></td>
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<td>of staff involved with the FOIA.</td>
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<td><strong>GREEN</strong></td>
<td>• “The Chief FOIA Officer shall examine the agency’s implementation of multi-</td>
<td>**FOIA ACS Directive [VII.K. System Support for FOIA Requests and Appeals Tracking and</td>
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<td></td>
<td>track processing.”</td>
<td>Management]: FOIAxpress allows the Department to utilize multi-track processing.</td>
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<td></td>
<td>• “The Chief FOIA Officer shall review the agency’s policies and practices</td>
<td><strong>FOIA ACS Directive [VII.I. ED’s FOIA Website and Electronic Reading Rooms]:</strong> The ED FOIA</td>
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<td><strong>YELLOW</strong></td>
<td>relating to the availability of public information through its websites and</td>
<td>Internet website includes an Electronic Reading Room that contains a wide range of documents</td>
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<td></td>
<td>other means, including the use of websites to make available the records</td>
<td>about ED programs, and includes frequently requested materials.</td>
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<td>described in section 552(a)(2) of title 5, USC.”</td>
<td><strong>FOIA ACS Directive [VII.H. FOIA Reading Room]:</strong> ED’s FOIA Reading Room, located at the</td>
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<td>National Library of Education, contains a wide variety of documents and information concerning</td>
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<td>ED’s programs and activities.</td>
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<td><strong>Recommendation:</strong> Principal Offices need to post additional</td>
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OCIO/RIMS/JBC—1/6/2006
## SIDE-BY-SIDE

**Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)**

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<td></td>
<td>• &quot;The Chief FOIA Officer shall identify ways to eliminate or reduce its FOIA backlog.&quot;</td>
<td>information on the ed.gov FOIA website. This action would comply with the unofficial FOIA “Rule of 3,” which requires Principal Offices to post information on the Internet that has been requested three times.</td>
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|        | **FOIA ACS Directive [VI.B.]:** FOIA Officers maintain a central reporting and tracking system for FOIA requests.  | **FOIA ACS Directive [VI.C.8.]:** In every instance in which the 20 business-day response time cannot be met, FOIA Coordinators provide the requestor an opportunity to narrow the scope of the request; and/or negotiate a mutually acceptable schedule.  |
|        | **FOIA ACS Directive [VII.K.1]:** System Support for FOIA Requests and Appeals Tracking and Management. The tracking system (FOIAXpress) streamlines the FOIA intake process, thus reducing backlog.  | **FY 2004 ED FOIA Annual Report/Section (g):** During the third quarter of FY 2004, the Department began re-engineering the manner in which FOIA requests are processed. Early indications show that this new process has begun to reduce backlogs and decrease median processing times. OCIO/RIMS identified additional ways to eliminate or reduce its backlog during the FOIA re-engineering process.  |

|        | **Recommendation:** FOIA backlog can be reduced and/or eliminated with additional training for subject matter experts, increased use of FOIAXpress and the FOIA Electronic Reader, full funding as described above; and with CoS leadership.  |  |

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OCIO/RIMS/JBC—1/6/2006
SIDE-BY-SIDE
Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

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<td>TBD</td>
<td>• &quot;The Chief FOIA Officer shall develop, in consultation with agency staff, the Attorney General, and the OMB Director, an agency-specific plan to ensure that the agency's administration of the FOIA is in accordance with applicable law and the policies set forth in this Executive Order. The plan, which shall be submitted to the head of the agency for approval, shall address the agency's implementation of the FOIA during FFYs 2006 and 2007.&quot;</td>
<td>OCIO has received guidance from OMB and DoJ and will prepare the draft plan as soon as possible.</td>
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SIDEBY-SIDE
and Department of Education (ED)

Future Executive Order Requirements:

1. The plan shall include specific activities that the agency will implement to eliminate or reduce the agency’s FOIA backlog, including changes that will make the processing of FOIA requests more streamlined and effective, as well as increased reliance on the dissemination of records that can be made available to the public through a website or other means that do not require the public to make a request for records under the FOIA.

2. The plan shall include activities to increase public awareness of FOIA processing, including expanded use of the agency’s Center and its FOIA Public Liaisons. OCIO/RIMS conducted Department-wide FOIA Awareness Training in the fourth quarter of FY 2005. OCIO/RIMS also updated the ed.gov FOIA website in FY 2006. The new features offer a more user-friendly experience for both internal and external FOIA customers.

3. The plan shall include concrete milestones, with specific timetables and outcomes to be achieved, by which the head of the agency, after consultation with the OMB Director, shall measure and evaluate the agency’s success in the implementation of the plan. During the third quarter of FY 2004, the Department began re-engineering the manner in which FOIA requests are processed.

4. The head of the agency shall submit a report, no later than 6 months from the date of this order (DUE DATE: 6/14/2006), to the Attorney General and the OMB Director that summarizes the results of the review (Section 3(a) of this E.O.) and encloses a copy of the agency’s plan (Section 3(b) of this Order). The agency shall publish a copy of the report on its website.

5. The head of the agency shall include in its FY 2006 and 2007 annual FOIA reports a report (DUE DATES: FY06-2/1/2007; FY07-2/1/2008) on the agency’s development and implementation of its plan (under Section 3(b) of this Order) and on the agency’s performance in meeting the milestones set forth in that plan. If the agency does not meet a milestone in its plan, the head of the agency shall identify its deficiency in the annual FOIA report; explain in the annual report the reasons for failure to reach the milestone; outline in the annual report the steps that the agency has already taken, and will be taking, to address the deficiency; and report this deficiency to the President’s Management Council.
Mr. Joel D. Kaplan  
Deputy Director  
Office of Management and Budget  
Washington, D.C. 20503  

Dear Mr. Kaplan:

In accordance with the President’s Executive Order 13392 of December 14, 2005, regarding “Improving Agency Disclosure of Information,” the U.S. Department of Education (the Department) is providing the following official responses to the actions required of agencies by the Order:

**Designation of a Chief FOIA Officer**

Each agency was required by the President’s Executive Order to designate a Chief Freedom of Information Act (FOIA) Officer (Assistant Secretary level or equivalent) by January 13, 2006. The Secretary has designated the Assistant Secretary of Management the Department’s Chief FOIA Officer. Michell Clark serves as Assistant Secretary of Management (Acting). We are in the process of posting the designation on our website.

**Designation of Public Liaisons**

The Chief FOIA Officer is required to designate one or more public liaisons and place the contact information for the public liaisons on the agency’s website. The Department’s Director of Regulatory Information Management Services (RIMS), Jeanne Van Vlandren, has been performing the duties of the public liaison, and will now carry the official designation. We are in the process of revising the contact information posted on our website.

**Establishment of a FOIA Requester Service Center**

Each agency was required by OMB to establish one or more FOIA Requester Service Centers and place contact information for the Center on the agency’s website. The RIMS office is currently carrying out the functions of the FOIA Requester Service Center. The Department is officially declaring RIMS the FOIA Requester Service Center.
Completing the Review and Plan, and Reporting

Each agency was tasked to submit a report by June 14, 2006, containing a summary review of the agency’s FOIA operations and to draft a plan for improvement with concrete milestones for Fiscal Year (FY) 2006 and FY 2007. Agencies were also tasked to include information on the agency’s performance in meeting the milestones of its FOIA improvement plan in each agency’s FY 2006 and FY 2007 FOIA report to the Department of Justice (for FY 2006: due February 1, 2007; and for FY 2007: due February 1, 2008). The Department is looking forward to submitting the required reports in a timely and efficient manner.

If you have any questions or comments regarding our FOIA designations, please contact Jeanne Van Vlandren, Director, Regulatory Information Management Services, at 202-245-6611, or at Jeanne.Van.Vlandren@ed.gov.

Sincerely,

[Signature]

Mitchell Clark
Acting Assistant Secretary for Management
Worksheet 1: Future Scenario – Your Vision

Envision a future scenario for 2007. Consider the questions above and write your vision below. Describe it in as much detail as possible.

REGULATORY INFORMATION MANAGEMENT SERVICES

Regulatory Information Management Services (RIMS) provides leadership, oversight, and coordination to ensure Departmental compliance with government initiatives regarding the acquisition, release and maintenance of information. In particular, this relates to the following activities within the Department of Education:

- Freedom of Information Act (FOIA);
- Privacy Act;
- Records Retention and Management; and,
- Information Collection.

RIMS is responsible for providing policies, standards, and procedures that ensure ED compliance with governmental information management requirements in these areas. In addition, this component provides instruction to assure that customers are educated and supported in the performance of these efforts.

Over the past several years (2003-05), the Department employed the Strategic Investment Process ("One-ED) and ED In-House Consultants to conduct thorough reviews of these major programs. Specific recommendations were made and initial steps have been undertaken to implement positive changes. For 2007, OM/RIMS envisions the following:

- Develop and Implement Awareness and Training Curriculums. The Presidential FOIA Executive Order and the Secretary's directive required RIMS to initiate FOIA training in Headquarters -- additional Regional training is still required. In addition, similar awareness and education programs should be started for the Privacy, Information Collection and Records Management programs. As the program matures over the next several years OM/RIMS should construct a strategic communications program and provide flexible options in educating and/or refreshing Departmental employees knowledge base within the context of management systems.

- Institute Routine Informational and Dialogue Sessions with Key Program Stakeholders. In addition to broad educational communications with Departmental staff on major RIMS programs, there is a need to institute ongoing sessions with the intermediary ED stakeholders who serve as the primary link with the Principal Operating Components. The FOIA, IC and RM evaluations all highlighted the important roles of these individuals – IC Clearance Coordinators, Records Liaison Officers, and FOIA Contacts. Each of these groups, as well as their constituents would benefit, from regular sessions with RIMS staff to review new developments, share and address common problems, and determine items 'on the horizon.'
Website Assessments and Redevelopment. Stakeholders have requested access to more recent and relevant information on RIMS programs via the Internet – both for external and internal customers. During 2007, it would be beneficial to assess and redevelopment websites regarding FOIA, Privacy, Information Collection Clearances, and Records Management and Retention. (For example, with better information ED Offices would be less prone to saving superfluous records and reduce storage and retrieval costs.)

Nonresponsive
Worksheet 2: Current Reality

RIMS is currently in transition.

The current reality is defined by outcomes from the SIP process for FOIA, Information Collection and Records Management. Although lengthy, the findings and recommendations from these seminal studies define the vision and goals for RIMS and serves as the touchstone for understanding the current reality and the gaps for attaining the ultimate vision.

**FOIA/Privacy – (Findings & Recommendations):**

| 1- | (b)(5) |
| 2- |       |
| 3- |       |
| 4- |       |
| 5- |       |
| 6- |       |
| 7- |       |
## Records Management – (Findings & Recommendations)

1. **Nonresponsive**
   - A comprehensive RM program creates opportunity costs to the Department associated with lost productivity and inefficient use of facilities that could otherwise be redefined to core mission accomplishment.
   - **Start-Up Recommendation 1** - Enhance policy to establish appropriate standards for RM procedures
   - **Core Management Recommendation 1** - Continually review policies to ensure they are up-to-date and reflect the current state of business.

2. **Improper records destruction practices (i.e., not in accordance with NARA approved schedules)** inhibit the Department’s ability to defend itself against litigation and subsequent potential for monetary loss and/or political scrutiny.
   - **Start-Up Recommendation 2** - Provide centralized Service offerings to assist PO’s in lowering cost and risk related to RM.
   - **Core Management Recommendation 2** - Develop and provide a slate of bulk services based on the Department’s needs such as shredding, scanning, and boxing, in addition to providing consultative advice.

3. **Inconsistent and/or inappropriate RM practices** prevent Departmental compliance with Federal regulations, creating the potential for increased political scrutiny that may impact mission accomplishment.
   - **Start-Up Recommendation 3** - Develop a RM awareness and training program to increase employees understanding of RM.
   - **Core Management Recommendation 3a** - Refine the RM awareness and training program to focus on customer or business line-specific issues regarding RM.
   - **Core Management Recommendation 3b** - Enhance electronic records management tools across the Department to increase accountability through better tracking of records and increase efficiency through the reduction of paper processing.

4. **Lack of a standard, functioning RM program** decreases the effectiveness of the Department’s contingency capability, creating the potential for operational failure in the event of an emergency.
   - **Start-Up Recommendation 4** - Enhance quality control efforts to increase accountability and gain key knowledge about the volume and distribution of records in the Department.
   - **Core Management Recommendation 3** - Establish a comprehensive quality control program.

## Information Collection – (Findings & Recommendations)

1. **Nonresponsive**
   - Training enterprise-wide challenges the Department’s ability to collect information in a manner that is timely and ensures data integrity.
   - **Recommendation 1** - Develop and implement a formalized training curriculum, linked to ED’s strategic communications program, that provides flexible options in educating and/or refreshing Departmental employees in information collection within the context of enterprise-wide systems.

2. **Information collection** is not supported by a management information system capability that enables more efficient and effective monitoring and control of the Clearance process.
   - **Recommendation 2** - Develop management information system(s) via enhancement and/or acquisition to support the planning, tracking, and evaluation of...
The use of streamlined information collection methods are not used to the fullest extent possible, leading to prolonged cycle times and inefficient use of resources.

Recommendation 3 - Educate staff and promote the use of streamlined information collection clearance methods (where feasible).

4- Inconsistent communication/collaboration practices internal and external to ED contribute to prolonged cycle times and strained stakeholder relations.

Recommendation 4a - Redefine ED/OCIO information collection clearance staff roles and responsibilities – develop Clearance process “brokers” and “facilitators.”

Recommendation 4b - Establish a central advisory body, composed of policy and technical staff from ED POs (with the cooperation of OMB) to discuss, review, and analyze Departmental data and information collections with the purpose of better coordinating and integrating these activities.

5- Lack of clear and consistent business rules regarding Departmental information collection practices causes disparity in operations and inefficient use of resources.

Recommendation 5 - Develop clear and consistent business rules (standards) to expedite information collection clearance activities across the Department.

All of these findings and recommendations can be aggregated into three (3) general areas:

- Process
- People
- Technology.

And, the common outcome relates to improved customer service – for our stakeholders – generally, the public and clients within the Department of Education.

The benefits of the proposed improvements center around two (2) general areas:

- More efficient and effective use of assets/resources; and,
- Increased accountability and reduced risk throughout the Department.

Currently, RIMS has begun to initiate these recommendations.

Process –

Work is underway to develop clear and consistent business rules across RIMS programs in the revision of delegations and the development and updating ACS Directives. Rudimentary steps have been undertaken to develop “Reference Manuals” for the key POC stakeholders who serve as intermediaries for the FOIA, IC, and RM programs.

Over the past year, RIMS has been defined as the “FOIA Requester Service Center.” Not only does this address the December 14, 2005 Presidential Executive Order “Improving Agency Disclosure of Information” it also responds to a key findings of the FOIA study to establish “a central point of receipt for FOIA requests.”
Regulatory Information Management Services (RIMS)

People --

Nonresponsive

The award of a performance-based comprehensive Support Services Contract in March 2005 has provided the Department with the keystone for the RIMS programs. For the first time, RIMS has the contractual mechanism to augment current staff with specialized expertise for each program area and to acquire much needed, technical help to evaluate, define requirements, acquire, and implement management information systems. In addition, this vehicle permits RIMS to “reach back” into corporate resources to support staff across ED with subject-matter and technical instruction.

Technology --

There is significant improvement in the understanding and use of the FOIAxpress software to support the FOIA program across the Department. Over the past year, RIMS has used it’s Support Services Contract to acquire the support of several staff, including a technical representative of the software development company (AINS) to provide hands-on targeted instruction to ED customers in numerous POCs. In addition, due to concentrated RIMS efforts the Department has been better able to maximize it’s use of the technology for evaluation and FOIA processing, including the ability to redact documents.

Nonresponsive

In summary, the current state of RIMS is good. The good news is that RIMS is becoming a “go to” organization within the Department. Customer demand and expectations are up and growing.
Worksheet 3: GAP ANALYSIS

Compare your future scenario to your current reality for the Office of Management. What are the gaps between where you want to be and where you are? What goals will you need to set in order to move toward your desired state? Use the guidelines on the following pages to help you develop goals and objectives. Write them in the space below.

The Strategic Investment Process (SIP) has afforded the Department with the opportunity to create and enhance several critical Information Management programs impacting its mission, functions, and image.

As the recommendations become reality, RIMS is establishing a foundation. The implementation of these recommendations are dependent upon a commitment of attention, resources, and assessment. Currently, there do not appear to be any gaps; but there is the possibility of lost opportunities during this critical foundation building stage.

To ensure that RIMS firmly establishes a foundation to meet its Department mission, there are two (2) critical requirements and six (6) areas for continued progress:

**Critical Resource Requirements** –

1- Contract Funding: RIMS Support Services Contract

To compensate for limited staffing commitments following the personnel “Early-Out/Buy-Out” and skills mix requirements, RIMS issued the performance-based Support Services Contract. *(b)(5)*

2- Personnel: Mid-level FOIA Position

The current customer demand for expert guidance and processing support regarding FOIA requests and appeals with particular advice on exemptions and redactions requires an additional mid-level staff person (GS-343-9/11).

**Continued Progress Opportunities** –

Process:

- **Awareness and Training Curriculums.** The opportunity to provide awareness and training regarding the RIMS programs directly relates to funding levels for the RIMS Support Services Contract. Principal Offices have expressed an interest in receiving supplemental guidance on FOIA/Privacy related “Intellectual Property” guidance. The contract permits RIMS to “reach back” and bring in a FOIA/Privacy legal expert to provide this guidance/instruction; however, adequate funding is required. In 2005, in response to the Presidential Directive and the Secretary’s request, a FOIA Awareness
training module was developed and provided to ED Headquarters staff. Regional Office training is still pending as well as the development and implementation of informational/training materials. This issue cuts across all RIMS program areas and is directly tied to the availability of staff and contract support resources.

**People:**

- **Nonresponsive**

**Technology:**

- **Enhance Management Information Support Systems.** It is imperative that Management Information Support Systems be assessed, upgraded, and implemented. If this improved, RIMS will not only have "gaps," it will be unable to develop meaningful "dashboards" to assess program efficacy. The importance of technology to service Departmental staff in each of the RIMS program areas is essential.

- **Website Assessments and Redevelopment.** Each of the SIP evaluation studies highlighted the importance of using the "web" to offer information to the public (ed.gov) and serve as a resource for staff within ED (ConnectED). Although RIMS does have limited funds available for the revision and development of websites, the RIMS Support Services Contract offers the opportunity to employ "Writer-Editors" to gather subject matter information and develop user-friendly educational components for customers within and outside the Department.

In summation, due to the SIP process RIMS is able to better understand its mission and goals and the consequences and risks of not addressing the recommendations.
Dear Ms. Maida:

In accordance with the President's FOIA Executive Order of December 14, 2005, and the guidance issued by your office and the U.S. Department of Justice, the U.S. Department of Education (the Department) has completed the following activities:

* Establishment of FOIA Requester Service Center: The Department officially established the Regulatory Information Management Services (RIMS) office as the Department's FOIA Requester Service Center on January 13, 2006 (see attached January 13, 2006, letter to OMB Deputy Director Joel Kaplan).

* Designation of FOIA Public Liaison: The Department officially designated the Director of RIMS, Jeanne Van Vlandren, as the FOIA Public Liaison on January 13, 2006 (see attached January 13, 2006, letter to OMB Deputy Director Joel Kaplan).

* Chief FOIA Officer: The Secretary officially designated the Assistant Secretary for Management, Michell Clark, as the Chief FOIA Officer on January 13, 2006 (see attached January 13, 2006, letter to OMB Deputy Director Joel Kaplan). Please note that Mr. Clark's correct email for the DOJ email list is Michell.Clark@ed.gov not Mitchell.Clark.

The Department has posted the contact information for the stated activities at the following URL:

If you have additional questions or comments, please contact Angela Arrington, FOIA Officer (202-245-6409/angela.arrington@ed.gov), or myself.

Thank you,

Jeanne Van Vlandren
Director, Regulatory Information Management Services
Department of Education/OM
550 12th St. SW - Room 9149
Washington, DC 20202
work (202) 245-6611
Following up on the President's FOIA EO of December 14, 2005 and guidance issued by OMB on December 30, 2005 (found at: http://www.whitehouse.gov/omb/memoranda/2006/mon06-04.pdf) and by DOJ in January of 2006, we would like to know where agencies are in establishing their FOIA Requester Service Centers and designating their Public Liaisons pursuant to the order.

Please let us know, by April 17, 2006, whether your agency has completed these activities.

* If your agency has established a FOIA Requester Service Center and designated Public Liaisons, provide your agency's URL address for where your agency has posted this information on its website.

* If your agency has not yet done so, please let us know your timetable for doing so.

Please provide your information to DOJ at Pamela.A.Maida@usdoj.gov, and send a copy to OMB at FOIAreporting@omb.eop.gov.

Finally, if you would like DOJ or OMB to use a different e-mail address for sending to your agency e-mail messages concerning the FOIA EO, please send the alternative contact information to Pamela.A.Maida@usdoj.gov.

We look forward to hearing from you by April 17, 2006.

Thank you.

Raul Yanes
General Counsel
OMB
Mr. Joel D. Kaplan  
Deputy Director  
Office of Management and Budget  
Washington, D.C. 20503  

Dear Mr. Kaplan:  

In accordance with the President's Executive Order 13392 of December 14, 2005, regarding "Improving Agency Disclosure of Information," the U.S. Department of Education (the Department) is providing the following official responses to the actions required of agencies by the Order:  

**Designation of a Chief FOIA Officer**  

Each agency was required by the President's Executive Order to designate a Chief Freedom of Information Act (FOIA) Officer (Assistant Secretary level or equivalent) by January 13, 2006. The Secretary has designated the Assistant Secretary of Management the Department's Chief FOIA Officer. Michell Clark serves as Assistant Secretary of Management (Acting). We are in the process of posting the designation on our website.  

**Designation of Public Liaisons**  

The Chief FOIA Officer is required to designate one or more public liaisons and place the contact information for the public liaisons on the agency's website. The Department's Director of Regulatory Information Management Services (RIMS), Jeanne Van Vlandren, has been performing the duties of the public liaison, and will now carry the official designation. We are in the process of revising the contact information posted on our website.  

**Establishment of a FOIA Requester Service Center**  

Each agency was required by OMB to establish one or more FOIA Requester Service Centers and place contact information for the Center on the agency's website. The RIMS office is currently carrying out the functions of the FOIA Requester Service Center. The Department is officially declaring RIMS the FOIA Requester Service Center.
Completing the Review and Plan, and Reporting

Each agency was tasked to submit a report by June 14, 2006, containing a summary review of the agency’s FOIA operations and to draft a plan for improvement with concrete milestones for Fiscal Year (FY) 2006 and FY 2007. Agencies were also tasked to include information on the agency’s performance in meeting the milestones of its FOIA improvement plan in each agency’s FY 2006 and FY 2007 FOIA report to the Department of Justice (for FY 2006: due February 1, 2007; and for FY 2007: due February 1, 2008). The Department is looking forward to submitting the required reports in a timely and efficient manner.

If you have any questions or comments regarding our FOIA designations, please contact Jeanne Van Vlandren, Director, Regulatory Information Management Services, at 202-245-6611, or at Jeanne.Van.Vlandren@ed.gov.

Sincerely,

Mitchell Clark
Acting Assistant Secretary for Management
Bob

Thanks for the fast response. We will change the email to use Michell’s short title, just ASM. On the attachment I sent we showed the former webpage description and below on the page we show the change in yellow to OM (from OCIO) and clarified the new name “FOIA Requester service Center” So, yes we will make sure all previous references to OCIO are changed to OM and up on the web by this Friday so when we send the report to OMB on Monday all web references will be correct. Thanks

Jeanne

Jeanne Van Vlandren
Department of Education
550 12th St. SW - Room 9150
Washington, DC 20202
work (202) 245-6611

-----Original Message-----
From: Eitel, Robert S.
To: Van Vlandren, Jeanne; Wexler, Rob
CC: Clark, Michell; Aten, Nina; Arrington, Angela; Eiden, Lee; Washington, Tomakie; Talbert, Kent; Haubert, William
Sent: Tue Apr 11 13:43:07 2006
Subject: RE: FOIA Status Report to DOJ

Thanks.

I have only a few points:

Michell serves as Chief FOIA Officer in his capacity as Assistant Secretary of Management, not as Acting CIO.

Also, should the revisions to the website reference RIMS or OM instead of OCIO?

Bob

-----Original Message-----
From: Van Vlandren, Jeanne
Sent: Tuesday, April 11, 2006 1:34 PM
To: Eitel, Robert S.; Wexler, Rob
Cc: Clark, Michell; Aten, Nina; Arrington, Angela; Eiden, Lee; Washington, Tomakie; Talbert, Kent; Haubert, William
Subject: FOIA Status Report to DOJ
Importance: High
Below is the finalized draft e-mail response to DoJ and OMB. Also, I have attached the revisions to the FOIA website that incorporates the FOIA Executive Order changes. We will attach a PDF of the 1/13/06 letter when we send this email to DOJ. If you have questions or comments, please contact me via email or my cell. Thanks.

-----Original Message-----
From: Eitel, Robert S.
To: Van Vlandren, Jeanne
CC: Clark, Michelle; Talbert, Kent; Haubert, William; Wexler, Rob; Arrington, Angela
Sent: Mon Apr 10 17:46:49 2006
Subject: FOIA Status Report to DOJ

Jeanne:

As you know, DOJ has asked each agency to submit a progress report on its FOIA Executive Order implementation efforts by Monday, April 17, 2006. You no doubt have this effort well in hand for the Department, but if you need assistance from OGC, please tell me as soon as possible. I will be out of the office Thursday, April 13, through Monday, April 17, and Rob Wexler is out this week. Rob will be in the office on Monday should you need for an OGC to address a FOIA related item, and Will Haubert and his team should also be available during this period.

Thanks for your attention to this.

Bob Eitel
Bob,

Below is the finalized draft e-mail response to DoJ and OMB. Also, I have attached the revisions to the FOIA website that incorporates the FOIA Executive Order changes. We will attach a PDF of the 1/13/06 letter when we send this email to DOJ. If you have questions or comments, please contact me via email or my cell (b)(5). Thanks.
Jeanne:

As you know, DOJ has asked each agency to submit a progress report on its FOIA Executive Order implementation efforts by Monday, April 17, 2006. You no doubt have this effort well in hand for the Department, but if you need assistance from OGC, please tell me as soon as possible. I will be out of the office Thursday, April 13, through Monday, April 17, and Rob Wexler is out this week. Rob will be in the office on Monday should you need for an OGC to address a FOIA related item, and Will Haubert and his team should also be available during this period.

Thanks for your attention to this.

Bob Eitel

Robert S. Eitel
Office of the General Counsel
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202
(202) 401-5942 voice
(202) 205-2689 fax

Email: robert.eitel@ed.gov
CURRENT CONTACTS

The Office of the Chief Information Officer (OCIO) advises the public and U.S. Department of Education (ED) employees regarding FOIA requests and ED information available to the public. As the lead organization for ED’s FOIA Program, OCIO provides training for ED officials and guidance and support to the FOIA Coordinators and FOIA Review Officers in the principal offices and 12 regional and field offices.

U.S. Department of Education
Office of the Chief Information Officer
Regulatory Information Management Services
400 Maryland Avenue, SW, PCP 9142
Washington, DC 20202-4700
ATTN: FOIA Officer

FOIA Officer (OCIO)
Jeanne Van Vlandren (202) 245-6651
Angela Arrington (202) 245-6651

FOIA Appeals Coordinator (OCIO)
Lee Eiden (202) 245-6651

Privacy Act Officer
Jeanne Van Vlandren
(202) 245-6651

PROPOSED (changes in yellow)

CONTACTS

The Office of Management (OM) advises the public and U.S. Department of Education (ED) employees regarding FOIA requests and ED information available to the public. As the lead organization for ED’s FOIA Program, OM provides training for ED officials and guidance and support to the FOIA Coordinators and FOIA Review Officers in the Department’s Principal Offices and 12 regional and field offices.

U.S. Department of Education
Office of Management
Regulatory Information Management Services
400 Maryland Avenue, SW, PCP 9142
Washington, DC 20202-4700
ATTN: FOIA Officer

FOIA Requester Service Center: (202) 245-6651

FOIA Public Liaison
Jeanne Van Vlandren
(202) 245-6651

FOIA Officer (OCIO)
Jeanne Van Vlandren (202) 245-6651
Angela Arrington (202) 245-6651

FOIA Appeals Coordinator (OCIO)
Lee Eiden (202) 245-6651

Privacy Act Officer
Jeanne Van Vlandren
(202) 245-6651
Jeanne,

Julian said she was sending you his draft. I have made changes to reflect RIMS change from OCIO to OM below.

Lee

Attachment A

(b)(5)
Washington, DC 20202-4700
ATTN: FOIA Officer

FOIA Requester Service Center: (202) 245-6651

FOIA Public Liaison
Jeanne Van Vlandren
(202) 245-6651

FOIA Officer
Jeanne Van Vlandren (202) 245-6651
Angela Arrington (202) 245-6651

FOIA Appeals Coordinator
Lee Eiden (202) 245-6651

Privacy Act Officer
Jeanne Van Vlandren
(202) 245-6651

--- Original Message ---
From: Van Vlandren, Jeanne
Sent: Tuesday, April 11, 2006 10:55 AM
To: Van Vlandren, Jeanne; Eiden, Lee
Ce: Arrington, Angela  
Subject: Re: FOIA Status Report to DOJ

Please do not send until I review this. Tommie called you earlier and since you were not at your desk I left you a voice message. Either email me the text so I can read or let me know if you would prefer to fax and I will get you the fax number here

Jeanne
Jeanne Van Vlandren  
Department of Education  
550 12th St. SW - Room 9150  
Washington, DC 20202  
work (202) 245-6611

-----Original Message-----
From: Van Vlandren, Jeanne  
To: Eiden, Lee  
CC: Van Vlandren, Jeanne  
Sent: Tue Apr 11 10:51:31 2006  
Subject: FW: FOIA Status Report to DOJ

Lee in JVV's inbox...looks like MC would like the report reviewed by OGC b4 JVV is back on the 13th

-----Original Message-----
From: Clark, Michell  
Sent: Tuesday, April 11, 2006 10:37 AM  
To: Van Vlandren, Jeanne  
Cc: Aten, Nina  
Subject: RE: FOIA Status Report to DOJ

Jeanne,

Bob and Rob are going to be out from the 13th to the 17th (the day it is due). Can Lee get the report to them before that so they can review it? Thanks.

Make it a Great Day!!

Michell Clark  
Assistant Secretary for Management and Acting CIO  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337

-----Original Message-----
From: Van Vlandren, Jeanne  
Sent: Tuesday, April 11, 2006 10:30 AM  
To: Eitel, Robert S.  
Cc: Clark, Michell; Talbert, Kent; Haubert, William; Wexler, Rob; Arrington, Angela  
Subject: Re: FOIA Status Report to DOJ
Bob
This report is in process and we are in good shape. I am back in the office on Thursday and will send our final draft to OGC by cob on the 13th. Thanks
Jeanne Van Vlandren
Department of Education
550 12th St. SW - Room 9150
Washington, DC 20202
work (202) 245-6611

-----Original Message-----
From: Eitel, Robert S.
To: Van Vlandren, Jeanne
CC: Clark, Michell; Talbert, Kent; Haubert, William; Wexler, Rob; Arrington, Angela
Sent: Mon Apr 10 17:46:49 2006
Subject: FOIA Status Report to DOJ

Jeanne:

As you know, DOJ has asked each agency to submit a progress report on its FOIA Executive Order implementation efforts by Monday, April 17, 2006. You no doubt have this effort well in hand for the Department, but if you need assistance from OGC, please tell me as soon as possible. I will be out of the office Thursday, April 13, through Monday, April 17, and Rob Wexler is out this week. Rob will be in the office on Monday should you need for an OGC to address a FOIA related item, and Will Haubert and his team should also be available during this period.

Thanks for your attention to this.

Bob Eitel

Robert S. Eitel
Office of the General Counsel
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202
(202) 401-5942 voice
(202) 265-2689 fax
Email: robert.eitel@ed.gov
Julian,

Thanks for the info!

:)  

-----Original Message-----
From: Carpenter, Julian
Sent: Tuesday, April 04, 2006 9:50 AM
To: Mladina, Suzana
Cc: Washington, Tomakie
Subject: RE: Exec Order language for DoA

Here you go:

«File: Proposed Delegation Language.FOIAEO.doc»

-----Original Message-----
From: Mladina, Suzana
Sent: Tuesday, April 04, 2006 8:51 AM
To: Washington, Tomakie; Carpenter, Julian
Cc:  
Subject: Exec Order language for DoA

Hi Tomakie and Julian,

If you could provide me with FOIA exec order language samples, I would appreciate it. If you have the info electronically, even better.

Thanks,
Suzana
Tomakie,

Thanks for the info - Lee and I are going to meet later this PM to discuss how and what part of the EO language will fit into the DoA. Once I know, I'll let you know.

Suzi

-----Original Message-----
From: Washington, Tomakie
Sent: Tuesday, April 04, 2006 9:49 AM
To: Mladina, Suzana; Carpentier, Julian
Subject: RE: Exec Order language for DoA

Hey Suzi,
in looking over the DoA I'm not sure where any additional Exec Order language would go...did you interpret from Jeanne how much more specific it should be? In the order there is a large section regarding the service center (attached)...???

<< File: Exec Order Service Ctr.doc >>

-----Original Message-----
From: Mladina, Suzana
Sent: Tuesday, April 04, 2006 8:51 AM
To: Washington, Tomakie; Carpentier, Julian
Subject: Exec Order language for DoA

Hi Tomakie and Julian,

If you could provide me with FOIA exec order language samples, I would appreciate it. If you have the info electronically, even better.

Thanks,
Suzana
Hey Suzi,

in looking over the DoA I'm not sure where any additional Exec Order language would go... did you interpret from Jeanne how much more specific it should be? In the order there is a large section regarding the service center (attached)...???

-----Original Message-----
From: Mladina, Suzana
Sent: Tuesday, April 04, 2006 8:51 AM
To: Washington, Tomakie; Carpentier, Julian
Subject: Exec Order language for DoA

Hi Tomakie and Julian,

If you could provide me with FOIA exec order language samples, I would appreciate it. If you have the info electronically, even better.

Thanks,
Suzana
From: Carpentier, Julian
Sent: Monday, April 03, 2006 3:39 PM
To: Van Vlandren, Jeanne; Arrington, Angela; Eiden, Lee
Cc: Washington, Tomakie; Valentine, Stephanie
Subject: RE: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Jeanne/Angela:
Attached is the draft e-mail response to DoJ regarding the FOIA Executive Order. I've also attached proposed changes to the ed.gov site that only reflect actions required by the OMB e-mail. Once the proposed changes to the website have been approved and implemented, we can submit the response to DoJ (with a copy to OMB). Please let me know if you have questions. Thanks.
Julian

-----Original Message-----
From: Van Vlandren, Jeanne
Sent: Friday, March 31, 2005 2:11 PM
To: Arrington, Angela; Eiden, Lee; Carpentier, Julian; Washington, Tomakie
Subject: FW: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Julian: Please draft response for me Thanks

-----Original Message-----
From: Clark, Michell
Sent: Thursday, March 30, 2006 12:47 PM
To: Van Vlandren, Jeanne
Cc: Eitel, Robert S.; Talbert, Kent
Subject: RE: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Jeanne,

Please take the lead on preparing our response. Thanks.

Make it a Great Day!!

Michell Clark
Assistant Secretary for Management and Acting CIO
Department of Education
400 Maryland Ave., S.W.
Washington, D.C. 20202
(202) 260-7337

-----Original Message-----
From: Eitel, Robert S.
Sent: Thursday, March 30, 2006 12:15 PM
To: Talbert, Kent; Clark, Michell
Cc: Van Vlandren, Jeanne
Subject: RE: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Kent:
I believe that OM/RIMS has already accomplished these goals, and I think that Michell and Jeanne need only prepare a report to provide to DOJ by April 17.

Michell and Jeanne, please tell me how I can help.

Thanks.

Bob Eitel

-----Original Message-----
From: Talbert, Kent
Sent: Thursday, March 30, 2006 12:11 PM
To: Eitel, Robert S.; Clark, Michell
Subject: FW: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Gents, for your perusal and response.

Kent

-----Original Message-----
From: Stone, Carla B. [mailto:Carla_B._Stone@omb.eop.gov]
Sent: Thursday, March 30, 2006 11:50 AM
To: Marilyn.Abbott@usitc.gov; Rbaker@fmshrc.gov; JL.Barnes@opm.gov; Steven.Bartholow@mh.gov; Boling, Edward A.; cbooker@ibb.gov; wbryant@peacercorps.gov; Buffalot@fca.gov; dcaca@loc.gov; Mitchell.Clark@ed.gov; Maureen.Cooney@hq.dhs.gov; Coulterf@state.gov; Scott.Cragg@va.gov; Jerumpacker@lira.gov; Suzy.Defrancis@lira.gov; Lisa.Desoto@ssa.gov; Michael.Discenza@exim.gov; DonaldJ@ntsb.gov; Tduncan@fec.gov; Jane G.Eyre@usps.gov; Sam.Feder@fca.gov; Afernandez@oshrc.gov; rflahavan@ssa.gov; Delorice.Ford@sb.gov; vtomey@isc.gov; Mfried@fms.gov; mgarf@opic.gov; mlGay@oga.gov; KeithE_Gottfried@hud.gov; Hawkins, Donald K.; Hertz.Philip@pbosc.gov; Beverly.Hill@csosa.gov; Johnson@nmb.gov; Jennifer.J.Johnson@frb.gov; Doujones@enic.gov; Mjordan@usa.gov; Burroughs.EdwardH; William.Kammer@whs.mil; Kayel@fhr.gov; Bkreamer@hr.gov; Kcrtn@stb.dot.gov; Levittm@stb.dot.gov; Lindy.Knapp@stb.dot.gov; Ingrid.Kolb@hq.doe.gov; Mark.Laponsky@ofleo.gov; Tmallon@neh.gov; Mantiuk@nasa.gov; MasonE@arts.gov; Peggy.Mastroianni@eeoc.gov; Robert.McCullum@usdoj.gov; Stephen.McConnell-l@nasa.gov; nasafioa@nasa.gov; Eineman@fca.gov; Mnkenn@ncva.gov; Joan.Ogbazghi@hq.doe.gov; Unno@antrak.com; Sandra.Pack@do.treas.gov; Jpetric@isp.gov; MJ.Pizzella@gsa.gov; Mpowell@nsf.gov; Kenp@dhs.gov; Bentley.Roberts@msgh.gov; Roberts, Keith L.; Lois.Schiffer@hq.epa.gov; Shapiro-robert@do.gov; Dshonka@fbo.gov; jes@arc.gov; Gary M.Stern@nara.gov; Tstevenson@cap.sc.gov; Suro-Bredie, Carmen; Altj@ucia.gov; Peter.Thomas@usdo.gov; Hord_Tipton@ios.doi.gov; Travers.Linda@gs.gov; lhrianny@ins.gov; Joseph.Valandra@nigc.gov; Vbrajak@fms.gov; Rverrez@inf.gov; Chris.Warner@csb.gov; Jweeb@ctc.gov; Nweiss@irm.gov; Mark.Whitenton@ferc.gov; Steven.Williams@prc.gov; Tswilliams@tva.gov; Lwilson@jwod.gov; Winterm@sec.gov; wle@doe.gov; Lzak@usdo.gov; Sokul, Stanley S.; Emonrouig@usc.gov; Cc: Daniel J.Metcalf@usdoj.gov; pamela.A.Maid@usdoj.gov; Melanie.A.Pustay@usdoj.gov; Michael.Kelly@usdo.gov; Jsullivan@do.gov; hayneswj@dodge.osd.mil; Talbert, Kent; David.Hill@hq.doe.gov; Klec.Ami@rs.gov; David.Trissell@nhs.gov; Phil.Perry@lira.gov; Paula.Stannard@hhs.gov; KeithE_Gottfried@hud.gov; Paul.D.Clement@usdoj.gov; Radzely-howard@do.gov; Bellingerb@state.gov; Jeffrey.Rosen@ost.dot.gov; Arnie.Havens@do.gov; Sheldon.Bradshaw@fda.gov; JohnAR@ucia.gov; Robert.Ganwiler@osba.gov; Andy.steinberg@nra.gov; tim.mclain@mail.va.gov; Luczniski, Kimberley S.; Aiiken, Steven D.; Schlaman, Glenn R.; Costello, Daniel J.; Yanes, Raul F.
Subject: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO
Following up on the President’s FOIA EO of December 14, 2005 and guidance issued by OMB on December 30, 2005 (found at: http://www.whitehouse.gov/omb/memoranda/fy2006/m06-04.pdf) and by DOJ in January of 2006, we would like to know where agencies are in establishing their FOIA Requester Service Centers and designating their Public Liaisons pursuant to the order.

Please let us know, by April 17, 2006, whether your agency has completed these activities.

* If your agency has established a FOIA Requester Service Center and designated Public Liaisons, provide your agency's URL address for where your agency has posted this information on its website.

* If your agency has not yet done so, please let us know your timetable for doing so.

Please provide your information to DOJ at Pamela.A.Maida@usdoj.gov, and send a copy to OMB at FOIAreporting@omb.eop.gov.

Finally, if you would like DOJ or OMB to use a different e-mail address for sending to your agency e-mail messages concerning the FOIA EO, please send the alternative contact information to Pamela.A.Maida@usdoj.gov.

We look forward to hearing from you by April 17, 2006.

Thank you.

Raul Yanes
General Counsel
OMB
CURRENT

CONTACTS

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Washington, DC 20202-4700
ATTN: FOIA Officer

FOIA Officer (OCIO)
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Angela Arrington (202) 245-6651

FOIA Appeals Coordinator (OCIO)
Lee Eiden (202) 245-6651

Privacy Act Officer
Jeanne Van Vlindren
(202) 245-6651

PROPOSED (changes in yellow)

CONTACTS

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ATTN: FOIA Officer

FOIA Requester Service Center: (202) 245-6651

FOIA Public Liaison
Jeanne Van Vlindren
(202) 245-6651

FOIA Officer (OCIO)
Jeanne Van Vlindren (202) 245-6651
Angela Arrington (202) 245-6651

FOIA Appeals Coordinator (OCIO)
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Privacy Act Officer
Jeanne Van Vlindren
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* If your agency has not yet done so, please let us know your timetable for doing so.
From: Van Vlandren, Jeanne  
Sent: Friday, March 31, 2006 3:11 PM  
To: Arrington, Angela; Eiden, Lee; Carpentier, Julian; Washington, Tomakie  
Subject: FW: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Julian  
Please draft response for me  
Thanks  
-----Original Message-----  
From: Clark, Michell  
Sent: Thursday, March 30, 2006 12:47 PM  
To: Van Vlandren, Jeanne  
Cc: Eitel, Robert S.; Talbert, Kent  
Subject: RE: OMB OGC e-mail to Agency Chief FOIA Officers concerning the President's FOIA EO

Jeanne,

Please take the lead on preparing our response. Thanks.

Make it a Great Day!!

Michell Clark  
Assistant Secretary for Management and Acting CIO  
Department of Education  
400 Maryland Ave., S.W.  
Washington, D.C. 20202  
(202) 260-7337

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Sent: Thursday, March 30, 2006 12:15 PM  
To: Talbert, Kent; Clark, Michell  
Cc: Van Vlandren, Jeanne  
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Kent:

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Thanks.

Bob Eitel

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Finally, if you would like DOJ or OMB to use a different e-mail address for sending to your agency e-mail messages concerning the FOIA EO, please send the alternative contact information to Pamela.A.Maida@usdoj.gov.

We look forward to hearing from you by April 17, 2006.

Thank you.

Raul Yanes
General Counsel
OMB
Enclosed please find the pdf version of the letter to Mr. Joel D. Kaplan regarding the implementation of the President's Executive Order "Improving Agency Disclosure of Information".

Sincerely,

Kimberly Rudolph
IC Docket Manager
RIMS/OCIO

-----Original Message-----
From: Carpentier, Julian
Sent: Wednesday, September 26, 2007 2:10 PM
To: Kendrick, Tony (Contractor)
Subject: FW: FOIA Designation Letter

-----Original Message-----
From: Van Vlandren, Jeanne
Sent: Friday, January 13, 2006 1:24 PM
To: Eitel, Robert S.
Cc: Rudolph, Kim
Subject: RE: FOIA Designation Letter

Bob
Thank you for the edits. We will make the changes and distribute the signed memo as indicated. Hope you enjoy the long weekend!
Jeanne

-----Original Message-----
From: Eitel, Robert S.
Sent: Friday, January 13, 2006 1:21 PM
To: Van Vlandren, Jeanne
Subject: FOIA Designation Letter

Jeanne:

I have attached my red-lined revisions. Please call with any questions. I have a meeting at HHS at 2 and will be out of the office for several hours.

Per Kaplan's memo, please also email the designation information to DOJ at Pamela.A.Maida@USDOJ.GOV and send a copy to OMB at FOIAreporting@omb.eop.gov.

<< File: DRAFT--Response to OMB FOIA EO Designations1.doc >>
Robert S. Eitel
Office of the General Counsel
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202
(202) 401-5942 voice
(202) 205-2689 fax
Email: robert.eitel@ed.gov
Mr. Joel D. Kaplan  
Deputy Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Kaplan:

In accordance with the President’s Executive Order 13392 of December 14, 2005, regarding “Improving Agency Disclosure of Information,” the U.S. Department of Education (the Department) is providing the following official responses to the actions required of agencies by the Order:

**Designation of a Chief FOIA Officer**

Each agency was required by the President’s Executive Order to designate a Chief Freedom of Information Act (FOIA) Officer (Assistant Secretary level or equivalent) by January 13, 2006. The Secretary has designated the Assistant Secretary of Management the Department’s Chief FOIA Officer. Michell Clark serves as Assistant Secretary of Management (Acting). We are in the process of posting the designation on our website.

**Designation of Public Liaisons**

The Chief FOIA Officer is required to designate one or more public liaisons and place the contact information for the public liaisons on the agency’s website. The Department’s Director of Regulatory Information Management Services (RIMS), Jeanne Van Vlanderen, has been performing the duties of the public liaison, and will now carry the official designation. We are in the process of revising the contact information posted on our website.

**Establishment of a FOIA Requester Service Center**

Each agency was required by OMB to establish one or more FOIA Requester Service Centers and place contact information for the Center on the agency’s website. The RIMS office is currently carrying out the functions of the FOIA Requester Service Center. The Department is officially declaring RIMS the FOIA Requester Service Center.
Completing the Review and Plan, and Reporting

Each agency was tasked to submit a report by June 14, 2006, containing a summary review of the agency's FOIA operations and to draft a plan for improvement with concrete milestones for Fiscal Year (FY) 2006 and FY 2007. Agencies were also tasked to include information on the agency's performance in meeting the milestones of its FOIA improvement plan in each agency's FY 2006 and FY 2007 FOIA report to the Department of Justice (for FY 2006: due February 1, 2007; and for FY 2007: due February 1, 2008). The Department is looking forward to submitting the required reports in a timely and efficient manner.

If you have any questions or comments regarding our FOIA designations, please contact Jeanne Van Vlandren, Director, Regulatory Information Management Services, at 202-245-6611, or at Jeanne.Van.Vlandren@cd.gov.

Sincerely,

[Signature]
Mitchell Clark
Acting Assistant Secretary for Management
Bob,

Here is the electronic version. Once you have made your changes, just send the draft back to me and we will be pleased to put the letter in final form for Michell's signature. Thank you.

Jeanne
Dear Mr. Kaplan:

(b)(5)
(b)(5). The Department is looking forward to submitting the required reports in a timely and efficient manner.

If you have any questions or comments regarding our FOIA designations, please contact Jeanne Van Vlandren, Director, Regulatory Information Management Services, at 202-245-6611, or at Jeanne.Van.Vlandren@ed.gov.

Sincerely,

Michell Clark
Acting Assistant Secretary for
Management/Acting Chief Information Officer
From: Eiden, Lee
Sent: Thursday, January 05, 2006 2:59 PM
To: Carpentier, Julian
Subject: side by side
Importance: High
### Executive Order: Improving Access to Presidential Information (12/13/2005)

| Status  | Executive Order 
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<td>YELLOW</td>
<td><strong>Section 1. Policy:</strong> Agency-wide FOIA requests under the FOIA (Freedom of Information Act) in an efficient, effective, and appropriate manner and result in measurable improvement in processing.</td>
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<td>GREEN</td>
<td><strong>Section 2. Agency Charters:</strong></td>
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<td>• The head of each agency shall make available, within 30 days of this order, the Chief FOIA Officer responsible for the FOIA program. (DUE DATE: 1/13/2006)</td>
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<tr>
<td>GREEN</td>
<td>• “The Chief FOIA Officer is responsible for ensuring agency-wide response to FOIA requests in an efficient, effective, and appropriate manner and result in measurable improvement in processing.”</td>
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However, FOIA processing shall cease upon receipt of a request that is categorically FOIA-exempt or otherwise inappropriate to receive necessary to the protection of national security or other activities.

Michell Clark, as designated by the Secretary or equivalent official of such agency, shall be the Chief FOIA Officer of the agency.

The head of each agency shall make available, within 30 days of this order, the Chief FOIA Officer responsible for the FOIA program.

Michell Clark, as designated by the Secretary or equivalent official of such agency, shall be the Chief FOIA Officer of the agency.
# SIDE-BY-SIDE

## Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

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<th>Status</th>
<th>Executive Order</th>
<th>ED Status</th>
<th>(As of January 5, 2006)</th>
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<tr>
<td>GREEN</td>
<td>• &quot;The Chief FOIA Officer shall monitor FOIA implementation throughout the agency, and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency’s performance in implementing the FOIA.&quot;</td>
<td>The ASM/CIO, working with the Chief of Staff (CoS), defined the CoS role in monitoring the FOIA implementation throughout the agency.</td>
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<td>FOIA ACS Directive [VI.B.]: The FOIA Officers provide Department-wide oversight for the management and implementation of the FOIA.</td>
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<td>FOIA ACS Directive [VI.G.]: The Department submits the FOIA Annual Report to the Department of Justice (DoJ) on or before February 1 each year.</td>
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<td>YELLOW</td>
<td>• &quot;The Chief FOIA Officer shall recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to carry out the policy as set forth in this Executive Order.&quot;</td>
<td>Status: Done.</td>
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<td>FOIA ACS Directive [VI.B.]: The RIMS Officers (in collaboration with other appropriate staff) develop ED policies, directives, regulations, and guidance materials for use by all ED employees in processing FOIA requests.</td>
<td>Recommendations:</td>
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<td>1) Assign/recruit additional OGC attorney assigned to FOIA</td>
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<td>2) Provide full funding for RIMS Support Services Contract</td>
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<td>3) Fill vacant FOIA government position within RIMS</td>
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<td>4) Purchase additional scanners in the Principal Offices</td>
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OCIO/RIMS/JBC--10/10/2007
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<td>GREEN</td>
<td>• &quot;The Chief FOIA Officer shall review and report to the Attorney General, through the head of the agency, on the agency’s performance in implementing the FOIA.”</td>
<td><strong>FOIA ACS Directive [VI.B.16.]:</strong> The FOIA Officers prepare ED’s FOIA Annual Report and submit it to DoJ. Status: Complete to date; awaiting further DoJ guidance.</td>
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<td>GREEN</td>
<td>• &quot;The Chief FOIA Officer shall include concise descriptions of the FOIA’s statutory exemptions in both the agency’s FOIA handbook, and the agency’s annual FOIA report, and provide an overview of certain general categories of agency records to which those exemptions apply.”</td>
<td><strong>FOIA ACS Directive [VII.B. FOIA Exemptions and Exclusions]:</strong> The full text of the FOIA exemptions are available on ed.gov (<a href="http://www.ed.gov/policy/gen/leg/foia/exemptions.html">http://www.ed.gov/policy/gen/leg/foia/exemptions.html</a>). Requestor data for each applicable exemption are located in the FY 2004 ED FOIA Annual Report (<a href="http://www.ed.gov/about/reports/annual/foia/foiafv04.pdf">http://www.ed.gov/about/reports/annual/foia/foiafv04.pdf</a>). The FOIAxpress operating procedures contain concise descriptions of the FOIA statutory exemptions. Status: Done.</td>
</tr>
<tr>
<td>GREEN</td>
<td>• &quot;Each agency shall establish one or more FOIA Requester Service Centers (Center), which shall serve as the first place that a FOIA requester can contact to seek information concerning the status of the person’s FOIA request and</td>
<td><strong>FOIA ACS Directive [V.F.]:</strong> The FOIA Office (OCIO/RIMS) is responsible for overseeing ED’s administration of the FOIA. Status: Requested function is currently performed by OCIO/RIMS. NOTE: The FOIA ACS Directive could be amended to reflect the new nomenclature (&quot;FOIA Requester Service Center&quot;) used in the</td>
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## Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

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<td>YELLOW</td>
<td>appropriate information about the agency's FOIA response.</td>
<td>“Executive Order.”</td>
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<td>• The Chief FOIA Officer shall designate one or more agency officials as FOIA Public Liaisons, who may serve in the Center or in a separate office. FOIA Public Liaisons shall serve as supervisory officials to whom a FOIA requester can raise concerns about service, following an initial response from the Center staff. The FOIA Public Liaison shall assist in reducing delays, increasing transparency and understanding of the status of requests, and resolving disputes. FOIA Public Liaisons shall report to the agency Chief FOIA Officer on their activities.</td>
<td>The RIMS Director currently performs the duties of the FOIA Public Liaison. <strong>Status:</strong> Using existing resources, officially designate a FOIA Public Liaison. <strong>NOTE:</strong> The FOIA ACS Directive could be amended to reflect the new nomenclature (&quot;FOIA Public Liaison&quot;) used in the “Executive Order.”</td>
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<td>GREEN</td>
<td>• The agency shall use existing agency staff and resources in establishing the Centers and designating FOIA Public Liaisons.</td>
<td>FOIA costs and staffing data are located in Section IX. of the FY 2004 ED FOIA Annual Report.</td>
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<td><strong>YELLOW +</strong></td>
<td>• “Each agency shall post appropriate information about its Center or Centers on the agency’s website, including contact information for its FOIA Public Liaisons.”</td>
<td>Principal Offices have posted the required information on their webpages.</td>
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<td><strong>Recommendation:</strong> Full funding would allow OCIO/RIMS to improve the FOIA “ed.gov” website and better assist Principal Offices in addressing FOIA issues on program specific websites.</td>
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</table>
| **YELLOW**  | • “The Chief FOIA Officer shall ensure that the agency has in place a method to receive and respond promptly and appropriately to inquiries from FOIA requesters about the status of their requests. The Chief FOIA Officer shall also consider whether the agency’s implementation of other means (such as tracking numbers for requests, or an agency telephone or Internet hotline) would be appropriate for responding to status inquiries.” | **FOIA ACS Directive [VII.A. Initial FOIA Requests]:** Describes the procedures for initial requests.  
**FOIA ACS Directive [VII.H.3.]:** ED maintains the voice message-based FOIA Information Line to assist the public in obtaining information about the FOIA and the basic procedures for submitting a FOIA request to ED.  
ED established the FOIA Mailbox to allow the public to submit requests via e-mail. Also, individuals can submit a FOIA request online.  
**Recommendation:** FOIAXpress has allowed the Department to streamline its FOIA implementation process. However, FOIA response timeliness continues to be an issue. Our office believes the following resources will help shorten the FOIA response time:  
1. Assign/recruit additional OGC attorney assigned to FOIA  
2. Provide full funding for RIMS Support Services Contract  
3. Fill vacant FOIA government position within RIMS |
## SIDE-BY-SIDE
### Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

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<td>GREEN</td>
<td><strong>Section 3. Review, Plan, and Report:</strong>&lt;br&gt;• The Chief FOIA Officer shall evaluate, with reference to numerical and statistical benchmarks, the agency’s administration of the FOIA, including the agency’s expenditure of resources on FOIA compliance and the extent to which, if any, requests have not been responded to within the statutory time limit (backlog).”</td>
<td>OCIO/RIMS evaluated the Department’s administration of the FOIA during its FY 2004 FOIA re-engineering project (In-House Consultants). OCIO/RIMS also issues monthly status reports to the Chiefs of Staff and the FOIA Coordinators.</td>
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<td>GREEN</td>
<td>• “The Chief FOIA Officer shall review the processes by which the agency assists and informs the public regarding the FOIA process.”</td>
<td>During the third quarter of FY 2004, the Department began re-engineering the manner in which FOIA requests are processed.</td>
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<td>GREEN</td>
<td>• “The Chief FOIA Officer shall examine the agency’s use of information technology in responding to FOIA requests, including without limitation the tracking of FOIA requests and communication with requesters.”</td>
<td>During FY 2004, OCIO/RIMS installed FOIAxpress, a network-based system designed specifically to automate the FOIA processing for public requests. OCIO/RIMS researched and benchmarked available products before deciding on FOIAxpress. Currently, OCIO/RIMS is in the “initial installation” phase of implementing FOIAxpress.</td>
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## SIDE-BY-SIDE

### Executive Order: Improving Agency Disclosure of Information (12.15.2005) and Department of Education (ED)

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<td><strong>GREEN</strong></td>
<td>&quot;The Chief FOIA Officer shall examine the agency’s practices with respect to requests for expedited processing.&quot;</td>
<td><strong>FOIA ACS Directive [V.I, FOIA Working Group]</strong>: Comprised of ED’s FOIA Officers and FOIA Coordinators whose function is to review any new FOIA changes or procedures and assist with the implementation of such. During FY 2005 and FY 2006, OCIO briefed the Chiefs of Staff on the roles and responsibilities of staff involved with the FOIA.</td>
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<td><strong>GREEN</strong></td>
<td>&quot;The Chief FOIA Officer shall examine the agency’s implementation of multi-track processing.&quot;</td>
<td><strong>FOIA ACS Directive [VII.K, System Support for FOIA Requests and Appeals Tracking and Management]</strong>: FOIAXpress allows the Department to utilize multi-track processing.</td>
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<td><strong>YELLOW</strong></td>
<td>&quot;The Chief FOIA Officer shall review the agency’s policies and practices relating to the availability of public information through its websites and other means, including the use of websites to make available the records described in section 552(a)(2) of title 5, USC.&quot;</td>
<td><strong>FOIA ACS Directive [VII.L, ED’s FOIA Website and Electronic Reading Rooms]</strong>: The ED FOIA Internet website includes an Electronic Reading Room that contains a wide range of documents about ED programs, and includes frequently requested materials. <strong>FOIA ACS Directive [VII.H, FOIA Reading Room]</strong>: ED’s FOIA Reading Room, located at the National Library of Education, contains a wide variety of documents and information concerning ED’s programs and activities. OCIO/RIMS updated the ed.gov FOIA website during FY 2006 (<a href="http://www.ed.gov/policy/gen/leg/foia/foiatoc.html">http://www.ed.gov/policy/gen/leg/foia/foiatoc.html</a>). <strong>Recommendation</strong>: Principal Offices need to post additional</td>
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<td>“The Chief FOIA Officer shall identify ways to eliminate or reduce its FOIA backlog.”</td>
<td>information on the ed.gov FOIA website. This action would comply with the unofficial FOIA “Rule of 3,” which requires Principal Offices to post information on the Internet that has been requested three times.</td>
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- **FOIA ACS Directive [VII.B.]:** FOIA Officers maintain a central reporting and tracking system for FOIA requests.
- **FOIA ACS Directive [VI.C.8.]:** In every instance in which the 20 business-day response time cannot be met, FOIA Coordinators provide the requestor an opportunity to narrow the scope of the request; and/or negotiate a mutually acceptable schedule.
- **FOIA ACS Directive [VII.K.1]:** System Support for FOIA Requests and Appeals Tracking and Management. The tracking system (FOIAExpress) streamlines the FOIA intake process, thus reducing backlog.

**FY 2004 ED FOIA Annual Report/Section VIII.:** During the third quarter of FY 2004, the Department began re-engineering the manner in which FOIA requests are processed. Early indications show that this new process has begun to reduce backlogs and reduce median processing times. OCIO/RIMS identified additional ways to eliminate or reduce its backlog during the FOIA re-engineering process.

**Recommendation:** FOIA backlog can be reduced and/or eliminated with additional training for subject matter experts; increased use of FOIAExpress and the FOIA Electronic Reading Room; full funding as described above; and with CoS leadership.
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<td>TBD</td>
<td>• “The Chief FOIA Officer shall develop, in consultation with agency staff, the Attorney General, and the OMB Director, an agency-specific plan to ensure that the agency’s administration of the FOIA is in accordance with applicable law and the policies set forth in this Executive Order. The plan, which shall be submitted to the head of the agency for approval, shall address the agency’s implementation of the FOIA during FFYs 2006 and 2007.”</td>
<td>OCIO has received guidance from OMB and will prepare the draft plan as soon as possible. NOTE: OCIO may receive additional guidance from DoJ.</td>
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Future Executive Order Requirements:

1. The plan shall include specific activities that the agency will implement to eliminate or reduce the agency’s FOIA backlog, including changes that will make the processing of FOIA requests more streamlined and effective, as well as increased reliance on the dissemination of records that can be made available to the public through a website or other means that do not require the public to make a request for records under the FOIA.

2. The plan shall include activities to increase public awareness of FOIA processing, including expanded use of the agency’s Center and its FOIA Public Liaisons. OCIO/RIMS conducted Department-wide FOIA Awareness Training in the fourth quarter of FY 2005. OCIO/RIMS also updated the ed.gov FOIA website in FY 2006. The new features offer a more user-friendly experience for both internal and external FOIA customers.

3. The plan shall include concrete milestones, with specific timetables and outcomes to be achieved, by which the head of the agency, after consultation with the OMB Director, shall measure and evaluate the agency’s success in the implementation of the plan. During the third quarter of FY 2004, the Department began re-engineering the manner in which FOIA requests are processed.

4. The head of the agency shall submit a report, no later than 6 months from the date of this order (DUE DATE: 6/14/2006), to the Attorney General and the OMB Director that summarizes the results of the review (Section 3(a) of this E.O.) and encloses a copy of the agency’s plan (Section 3(b) of this Order). The agency shall publish a copy of the report on its website.

5. The head of the agency shall include in its FY 2006 and 2007 annual FOIA reports a report (DUE DATES: FY06-2/1/2007; FY07-2/1/2008) on the agency’s development and implementation of its plan (under Section 3(b) of this Order) and on the agency’s performance in meeting the milestones set forth in that plan. If the agency does not meet a milestone in its plan, the head of the agency shall identify its deficiency in the annual FOIA report; explain in the annual report the reasons for failure to reach the milestone; outline in the annual report the steps that the agency has already taken, and will be taking, to address the deficiency; and report this deficiency to the President’s Management Council.
From: Mladina, Suzana
Sent: Thursday, December 22, 2005 10:17 AM
To: Carpentier, Julian
Subject: RE: FOIA Executive Order Side-by-Side

Looks good - kudos!

-----Original Message-----
From: Carpentier, Julian
Sent: Wednesday, December 21, 2005 11:42 AM
To: Mladina, Suzana
Subject: FOIA Executive Order Side-by-Side

Let me know what you think:

<< File: FOIA Executive Order - Directive SidebySide.122105.doc >>

Julian B. Carpentier
Management and Program Analyst
U.S. Department of Education
Office of the Chief Information Officer
550 12th St. SW
Washington, DC 20202
julian.carpentier@ed.gov
Hi Michell

For once ED is ahead of the rest of the Govt on FOIA! The executive order is aimed at streamlining the processing for Freedom of Information Act queries by requiring agencies to establish a top official for handling FOIA requests. Under the order, agencies within 30 days must establish a chief FOIA officer who will be responsible for making them respond to FOIA requests more quickly and efficiently. You are already designated as the acting Assistant Secretary. Agencies must also submit a plan of action to the Attorney General and the Office of Management and Budget within six months, and that plan must also be posted on agency Web sites. The plan must be implemented over the next year, the executive order added.

We are now working with OGC and preparing the response for you to run by David Dunn. Our quick review of the requirements indicates we will have already covered most of the items in the current ACS Directive. Thanks Jeanne

-----Original Message-----
From: Clark, Michell
Sent: Thursday, December 15, 2005 5:29 PM
To: Berger, Keith; Van Vlandren, Jeanne; Jones, Maureen; Aten, Nina
Subject: RE: New Executive Order relating to the Freedom of Information Act

Got it, thanks.

Make it a Great Day!!

Michell Clark
Acting Assistant Secretary for Management and CIO
Department of Education
400 Maryland Ave., S.W.
Washington, D.C. 20202
(202) 260-7337

-----Original Message-----
From: Berger, Keith
Sent: Thursday, December 15, 2005 10:44 AM
To: Van Vlandren, Jeanne; Jones, Maureen; Clark, Michell; Aten, Nina
Subject: FW: New Executive Order relating to the Freedom of Information Act

FYI

-----Original Message-----
From: Riddle, Paul
Sent: Thursday, December 15, 2005 10:29 AM
To: Goodridge, Marcella; Dobson, Dana; Van Vlandren, Jeanne; Anderson, Marge; Berger, Keith; Briggs, Kerri; Bergeron, David; Foster, Richard; Goetz, Braden; March, Greg; Hammond, Peirce; Baker, Jeff; Sims, Jeffrey; Kuz mieux, Holly; Leos, Kathleen; McGrath, Jack; Holloway, Michael; Link, Philip; Rudy, Deborah; Scott, Brandon; Stankosky, Kira; Betka, Sue; Adams, Carolyn; Eitel, Robert S.; Ellis, Kathryn; Marinucci, Fred; Jenkins, Harold; Higgins, Shannon; Hokanson, Charles; Lahring, Karl; Talbert, Kent; McFadden, Elizabeth; Rosenfelt, Phil; Price, Angela; Wexler, Rob; Santoro, Karen; Freid, Steve; Craig, Susan; Taylor, Jeff; Sasser, Tracey; Haubert, William; Bowen, Jennifer; Douglas, Michelle; Hansen, Randy; Jackson, Melvin; Kanter, Lisa; Smith, Megan; Templeman, Lori
Subject: New Executive Order relating to the Freedom of Information Act

The Order, which will be printed soon in the Federal Register, imposes various requirements on Federal agencies with respect to handling FOIA requests, including a requirement to designate, within 30 days, a senior agency official (at the Assistant Secretary level) to serve as the agency's Chief FOIA Officer.
Here is some very good news ~ we now have clear support from The President for our FOIA changes. Also, ED is ahead of the game as we have already designated the Chief FOIA Officer.

Jeanne

-----Original Message-----
From: Riddle, Paul
Sent: Thursday, December 15, 2005 10:29 AM
To: Goodridge, Marcella; Dobson, Dana; Van Vlandren, Jeanne; Anderson, Marge; Berger, Keith; Briggs, Kerri; Bergeron, David; Foster, Richard; Goetz, Braden; March, Greg; Hammond, Perce; Baker, Jeff; Sims, Jeffrey; Kuzmich, Holly; Leos, Kathleen; McGrath, Jack; Holloway, Michael; Link, Philip; Rudy, Deborah; Scott, Brandon; Stankosky, Kira; Betka, Sue; Adams, Carolyn; Eitel, Robert S.; Ellis, Kathryn; Marinucci, Fred; Jenkins, Harold; Higgins, Shannan; Hokanson, Charles; Lahring, Karl; Talbert, Kent; McFadden, Elizabeth; Rosenfelt, Phil; Price, Angela; Wexler, Rob; Santoro, Karen; Freid, Steve; Craig, Susan; Taylor, Jeff; Sasser, Tracey; Haubert, William; Bowen, Jennifer; Douglas, Michelle; Hansen, Randy; Jackson, Melvin; Kanter, Lisa; Smith, Megan; Templeman, Lori
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The Order, which will be printed soon in the Federal Register, imposes various requirements on Federal agencies with respect to handling FOIA requests, including a requirement to designate, within 30 days, a senior agency official (at the Assistant Secretary level) to serve as the agency's Chief FOIA Officer.